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1                   A bill to be entitled  
2           An act relating to charities; providing legislative  
3           findings and declarations; amending s. 212.08, F.S.;  
4           revising an exemption from the sales and use tax to  
5           exclude from eligibility charitable organizations  
6           subject to a final disqualification order issued by  
7           the Department of Agriculture and Consumer Services;  
8           amending s. 212.084, F.S.; requiring the Department of  
9           Revenue to revoke a sales tax exemption certificate  
10          of, or refuse to grant a sales tax exemption  
11          certificate to, certain charitable organizations;  
12          providing for appeal; amending s. 496.403, F.S.;  
13          exempting blood establishments from the Solicitation  
14          of Contributions Act; amending s. 496.404, F.S.;  
15          revising definitions; amending s. 496.405, F.S.;  
16          revising requirements and procedures for the filing of  
17          registration statements of charitable organizations  
18          and sponsors; specifying the information that each  
19          chapter, branch, or affiliate of a parent organization  
20          must include in, and attach to, a consolidated  
21          financial statement; revising the period within which  
22          the Department of Agriculture and Consumer Services  
23          must review certain initial registration statements  
24          and annual renewal statements; providing for the  
25          automatic suspension of a charitable organization or



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26 sponsor's registration for failure to disclose  
27 specified information; prohibiting officers,  
28 directors, trustees, or employees of a charitable  
29 organization or sponsor from allowing certain persons  
30 to solicit contributions on behalf of the charitable  
31 organization or sponsor; authorizing the department to  
32 deny or revoke the registration of a charitable  
33 organization or sponsor under certain circumstances;  
34 requiring a charitable organization or sponsor that  
35 has ended solicitation activities in this state to  
36 notify the department in writing; creating s.  
37 496.4055, F.S.; defining the term "conflict of  
38 interest transaction"; requiring the board of  
39 directors of a charitable organization or sponsor, or  
40 an authorized committee thereof, to adopt a policy  
41 regarding conflict of interest transactions; amending  
42 s. 496.407, F.S.; requiring the financial statements  
43 of certain charitable organizations or sponsors to be  
44 audited or reviewed; providing requirements and  
45 standards for such audit or review; authorizing  
46 charitable organizations and sponsors to redact  
47 specified information from certain Internal Revenue  
48 Service Forms submitted in lieu of a financial  
49 statement; requiring such forms submitted by certain  
50 charitable organizations or sponsors to be prepared by



51 a certified public accountant; authorizing the  
52 department to provide an extension for filing a  
53 financial statement; authorizing the department to  
54 require an audit or review for a financial statement  
55 submitted by a charitable organization or sponsor  
56 under certain circumstances; creating s. 496.4071,  
57 F.S.; requiring certain charitable organizations or  
58 sponsors to report specified supplemental financial  
59 information to the department by a certain date;  
60 creating s. 496.4072, F.S.; requiring certain  
61 charitable organizations or sponsors that solicit  
62 contributions for a specific disaster relief effort to  
63 submit quarterly financial statements to the  
64 department; providing requirements and procedures for  
65 the filing of such quarterly statements; exempting  
66 certain charitable organizations and sponsors from  
67 filing such quarterly statements; amending s. 496.409,  
68 F.S.; authorizing a professional fundraising  
69 consultant to enter into a contract or agreement only  
70 with certain charitable organizations or sponsors;  
71 revising the procedures and requirements for reviewing  
72 professional fundraising consultant registration  
73 statements and renewal applications; prohibiting  
74 certain officers, trustees, directors, or employees of  
75 professional fundraising consultants from allowing



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76 | certain persons to solicit contributions on behalf of  
77 | the professional fundraising consultant; authorizing  
78 | the department to deny or revoke the registration of a  
79 | professional fundraising consultant under certain  
80 | circumstances; amending s. 496.410, F.S.; revising the  
81 | information that must be included in a professional  
82 | solicitor application for registration or renewal of  
83 | registration; revising procedures and requirements for  
84 | reviewing professional solicitor registration  
85 | statements and renewal applications; revising the  
86 | information that must be included in a solicitation  
87 | notice filed by a professional solicitor; authorizing  
88 | a professional solicitor to enter into a contract or  
89 | agreement only with certain charitable organizations  
90 | or sponsors; prohibiting certain officers, trustees,  
91 | directors, or employees of a professional solicitor  
92 | from soliciting for compensation or allowing certain  
93 | persons to solicit for compensation on behalf of the  
94 | professional solicitor; authorizing the department to  
95 | deny or revoke the registration of a professional  
96 | solicitor under certain circumstances; creating s.  
97 | 496.4101, F.S.; requiring each officer, director,  
98 | trustee, or owner of a professional solicitor and  
99 | certain employees of a professional solicitor to  
100 | obtain a solicitor license from the department;



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101 defining the term "personal financial information";  
102 providing application requirements and procedures;  
103 requiring applicants to submit a complete set of  
104 fingerprints and pay a fee for fingerprint processing  
105 and retention; requiring a solicitor license to be  
106 renewed annually; providing an initial application and  
107 renewal fee for a solicitor license; requiring  
108 material changes in applications or renewal  
109 applications to be reported to the department within a  
110 specified period; providing a fee for reporting  
111 material changes; providing violations; requiring the  
112 department to adopt rules to allow applicants to  
113 engage in solicitation activities on a temporary  
114 basis; authorizing the department to deny or revoke a  
115 solicitor license under certain circumstances;  
116 requiring certain administrative proceedings to be  
117 conducted in accordance with chapter 120, F.S.;  
118 amending s. 496.411, F.S.; revising disclosure  
119 requirements for charitable organizations and  
120 sponsors; amending s. 496.412, F.S.; revising  
121 disclosure requirements for professional solicitors;  
122 creating s. 496.4121, F.S.; defining the term  
123 "collection receptacle"; requiring collection  
124 receptacles to display permanent signs or labels;  
125 providing requirements for such signs or labels;



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126 requiring a charitable organization or sponsor using a  
127 collection receptacle to provide certain information  
128 to a donor upon request; amending s. 496.415, F.S.;  
129 prohibiting the submission of false, misleading, or  
130 inaccurate information in a document in connection  
131 with a solicitation or sales promotion; prohibiting  
132 the failure to remit specified funds to a charitable  
133 organization or sponsor; amending s. 496.419, F.S.;  
134 increasing administrative fine amounts the department  
135 is authorized to impose for specified violations of  
136 the Solicitation of Contributions Act; creating s.  
137 496.4191, F.S.; requiring the department to  
138 immediately suspend a registration or processing of an  
139 application for registration if the registrant,  
140 applicant, or any officer or director thereof is  
141 charged with certain criminal offenses; creating s.  
142 496.430, F.S.; authorizing the department to issue an  
143 order to disqualify a charitable organization or  
144 sponsor from receiving a sales tax exemption  
145 certificate under certain circumstances; authorizing a  
146 charitable organization or sponsor to appeal a  
147 disqualification order within a specified period;  
148 providing that a disqualification order remains  
149 effective for a specified period; authorizing a  
150 charitable organization or sponsor to apply to the



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151 Department of Revenue for a sales tax exemption  
152 certificate after expiration of a final  
153 disqualification order; requiring the Department of  
154 Agriculture and Consumer Services to provide a final  
155 disqualification order to the Department of Revenue  
156 within a specified period; requiring the Department of  
157 Revenue to revoke a sales tax exemption certificate  
158 of, or refuse to grant a sales tax exemption  
159 certificate to, charitable organizations or sponsors  
160 subject to a final disqualification order; prohibiting  
161 a charitable organization or sponsor from appealing or  
162 challenging the revocation or denial of a sales tax  
163 exemption certificate under certain circumstances;  
164 amending s. 741.0305, F.S.; conforming a cross-  
165 reference; providing severability; providing an  
166 appropriation and authorizing positions; providing an  
167 effective date.

168

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

170

171 Section 1. Legislative findings and declarations.—

172 (1) The Legislature finds that Floridians are generous and  
173 that such generosity provides charitable or nonprofit  
174 organizations with the resources they need to have a positive  
175 impact on the communities they serve.



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176       (2) The Legislature supports the opportunity for  
177 charitable or nonprofit organizations to raise funds to carry  
178 out their charitable or nonprofit missions.

179       (3) The Legislature respects the diversity of activities  
180 conducted by religious groups and therefore, through this act,  
181 intends that the definition of a "religious institution" apply  
182 to bona fide religious groups.

183       (4) The Legislature finds that the provisions of this act  
184 strengthening chapter 496, Florida Statutes, will prevent the  
185 misuse of Floridians' charitable contributions by deterring  
186 fraudulent and deceptive organizations from soliciting  
187 contributions in this state.

188       (5) The Legislature finds that there is a compelling state  
189 interest in revising chapter 496, Florida Statutes, to help  
190 Floridians make more informed decisions regarding which  
191 organizations merit their support.

192       Section 2. Paragraph (p) of subsection (7) of section  
193 212.08, Florida Statutes, is amended to read:

194       212.08 Sales, rental, use, consumption, distribution, and  
195 storage tax; specified exemptions.—The sale at retail, the  
196 rental, the use, the consumption, the distribution, and the  
197 storage to be used or consumed in this state of the following  
198 are hereby specifically exempt from the tax imposed by this  
199 chapter.

200       (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any



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201 entity by this chapter do not inure to any transaction that is  
202 otherwise taxable under this chapter when payment is made by a  
203 representative or employee of the entity by any means,  
204 including, but not limited to, cash, check, or credit card, even  
205 when that representative or employee is subsequently reimbursed  
206 by the entity. In addition, exemptions provided to any entity by  
207 this subsection do not inure to any transaction that is  
208 otherwise taxable under this chapter unless the entity has  
209 obtained a sales tax exemption certificate from the department  
210 or the entity obtains or provides other documentation as  
211 required by the department. Eligible purchases or leases made  
212 with such a certificate must be in strict compliance with this  
213 subsection and departmental rules, and any person who makes an  
214 exempt purchase with a certificate that is not in strict  
215 compliance with this subsection and the rules is liable for and  
216 shall pay the tax. The department may adopt rules to administer  
217 this subsection.

218 (p) *Section 501(c)(3) organizations.*—Also exempt from the  
219 tax imposed by this chapter are sales or leases to organizations  
220 determined by the Internal Revenue Service to be currently  
221 exempt from federal income tax pursuant to s. 501(c)(3) of the  
222 Internal Revenue Code of 1986, as amended, if ~~when~~ such leases  
223 or purchases are used in carrying on their customary nonprofit  
224 activities, unless such organizations are subject to a final  
225 disqualification order issued by the Department of Agriculture



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226 and Consumer Services pursuant to s. 496.430.

227 Section 3. Subsection (3) of section 212.084, Florida  
228 Statutes, is amended, and subsection (7) is added to that  
229 section, to read:

230 212.084 Review of exemption certificates; reissuance;  
231 specified expiration date; temporary exemption certificates.—

232 (3) After review is completed and it has been determined  
233 that an institution, organization, or individual is actively  
234 engaged in a bona fide exempt endeavor and is not subject to a  
235 final disqualification order issued by the Department of  
236 Agriculture and Consumer Services pursuant to s. 496.430, the  
237 department shall reissue an exemption certificate to the entity.  
238 However, each certificate so reissued is valid for 5 consecutive  
239 years, at which time the review and reissuance procedure  
240 provided by this section applies ~~apply~~ again. If the department  
241 determines that an entity no longer qualifies for an exemption,  
242 it shall revoke the tax exemption certificate of the entity.

243 (7) The department shall revoke a sales tax exemption  
244 certificate granted to, or refuse to grant a sales tax exemption  
245 certificate to, an institution, organization, or individual who  
246 is the subject of a final disqualification order issued by the  
247 Department of Agriculture and Consumer Services pursuant to s.  
248 496.430. A revocation or denial under this subsection is subject  
249 to challenge under chapter 120 only as to whether a  
250 disqualification order is in effect. An institution,



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251 organization, or individual who appeals the disqualification  
252 order must do so pursuant to s. 496.430(2).

253 Section 4. Section 496.403, Florida Statutes, is amended  
254 to read:

255 496.403 Application.—Sections 496.401-496.424 do not apply  
256 to bona fide religious institutions, educational institutions,  
257 and state agencies or other government entities or persons or  
258 organizations who solicit or act as professional fundraising  
259 consultants solely on ~~their~~ behalf of those entities, or to  
260 blood establishments as defined in s. 381.06014(1)(a). Sections  
261 496.401-496.424 do not apply to political contributions  
262 solicited in accordance with the election laws of this state.

263 Section 5. Section 496.404, Florida Statutes, is amended  
264 to read:

265 496.404 Definitions.—As used in ss. 496.401-496.424, the  
266 term:

267 (1) "Charitable organization" means a ~~any~~ person who is or  
268 holds herself or himself out to be established for any  
269 benevolent, educational, philanthropic, humane, scientific,  
270 artistic, patriotic, social welfare or advocacy, public health,  
271 environmental conservation, civic, or other eleemosynary  
272 purpose, or a ~~any~~ person who in any manner employs a charitable  
273 appeal as the basis for any solicitation or an appeal that  
274 suggests that there is a charitable purpose to any solicitation.  
275 The term ~~It~~ includes a chapter, branch, area office, or similar



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276 affiliate soliciting contributions within the state for a  
277 charitable organization that ~~which~~ has its principal place of  
278 business outside the state.

279 (2) "Charitable purpose" means a ~~any~~ benevolent,  
280 philanthropic, patriotic, educational, humane, scientific,  
281 artistic, public health, social welfare or advocacy,  
282 environmental conservation, civic, or other eleemosynary  
283 objective.

284 (3) "Charitable sales promotion" means an advertising or  
285 sales campaign conducted by a commercial co-venturer which  
286 represents that the purchase or use of goods or services offered  
287 by the commercial co-venturer benefits ~~are to benefit~~ a  
288 charitable organization. The provision of advertising services  
289 to a charitable organization does not, in itself, constitute a  
290 charitable sales promotion.

291 (4) "Commercial co-venturer" means a ~~any~~ person who, for  
292 profit, regularly and primarily is engaged in trade or commerce  
293 other than in connection with solicitation of contributions and  
294 who conducts a charitable sales promotion or a sponsor sales  
295 promotion.

296 (5) "Contribution" means the promise, pledge, or grant of  
297 ~~any~~ money or property, financial assistance, or any other thing  
298 of value in response to a solicitation. The term "Contribution"  
299 includes, in the case of a charitable organization or sponsor  
300 offering goods and services to the public, the difference



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301 between the direct cost of the goods and services to the  
302 charitable organization or sponsor and the price at which the  
303 charitable organization or sponsor or a ~~any~~ person acting on  
304 behalf of the charitable organization or sponsor resells those  
305 goods or services to the public. The term "Contribution" does  
306 not include:

307 (a) Bona fide fees, dues, or assessments paid by members  
308 if, ~~provided that~~ membership is not conferred solely as  
309 consideration for making a contribution in response to a  
310 solicitation;

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

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

316 (d) Funds received from an organization duly registered  
317 with the department that is exempt from federal income taxation  
318 under s. 501(a) of the Internal Revenue Code and described in s.  
319 501(c) of the Internal Revenue Code ~~that is duly registered with~~  
320 ~~the department.~~

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

324 (7) ~~(6)~~ "Department" means the Department of Agriculture  
325 and Consumer Services.



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

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

333            (b) An official request for international assistance.

334        (9)-(7) "Division" means the Division of Consumer Services  
335 of the Department of Agriculture and Consumer Services.

336        (10)-(8) "Educational institutions" means those  
337 institutions and organizations described in s. 212.08(7)(cc)8.a.  
338 The term includes private nonprofit organizations, the purpose  
339 of which is to raise funds for schools teaching grades  
340 kindergarten through grade 12, colleges, and universities,  
341 including a any nonprofit newspaper of free or paid circulation  
342 primarily on university or college campuses which holds a  
343 current exemption from federal income tax under s. 501(c)(3) of  
344 the Internal Revenue Code, an any educational television network  
345 or system established pursuant to s. 1001.25 or s. 1001.26, and  
346 a any nonprofit television or radio station that is a part of  
347 such network or system and that holds a current exemption from  
348 federal income tax under s. 501(c)(3) of the Internal Revenue  
349 Code. The term also includes a nonprofit educational cable  
350 consortium that holds a current exemption from federal income



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351 tax under s. 501(c)(3) of the Internal Revenue Code, the ~~whose~~  
352 primary purpose of which is the delivery of educational and  
353 instructional cable television programming and the ~~whose~~ members  
354 of which are composed exclusively of educational organizations  
355 that hold a valid consumer certificate of exemption and that are  
356 either an educational institution as defined in this subsection  
357 or qualified as a nonprofit organization pursuant to s.  
358 501(c)(3) of the Internal Revenue Code.

359 (11) ~~(9)~~ "Emergency service employee" means an ~~any~~ employee  
360 who is a firefighter, as defined in s. 633.102, or ambulance  
361 driver, emergency medical technician, or paramedic, as defined  
362 in s. 401.23.

363 (12) ~~(10)~~ "Federated fundraising organization" means a  
364 federation of independent charitable organizations that ~~which~~  
365 have voluntarily joined together, including, but not limited to,  
366 a united way or community chest, for purposes of raising and  
367 distributing contributions for and among themselves and where  
368 membership does not confer operating authority and control of  
369 the individual organization upon the federated group  
370 organization.

371 (13) ~~(11)~~ "Fundraising costs" means those costs incurred in  
372 inducing others to make contributions to a charitable  
373 organization or sponsor for which the contributors will receive  
374 no direct economic benefit. Fundraising costs include, but are  
375 not limited to, salaries, rent, acquiring and obtaining mailing



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376 lists, printing, mailing, and all direct and indirect costs of  
377 soliciting, as well as the cost of unsolicited merchandise sent  
378 to encourage contributions.

379 (14)~~(12)~~ "Law enforcement officer" means a ~~any~~ person who  
380 is elected, appointed, or employed by a ~~any~~ municipality or the  
381 state or a ~~any~~ political subdivision thereof and:

382 (a) Who is vested with authority to bear arms and make  
383 arrests and whose primary responsibility is the prevention and  
384 detection of crime or the enforcement of the criminal, traffic,  
385 or highway laws of the state; or

386 (b) Whose responsibility includes supervision, protection,  
387 care, custody, or control of inmates within a correctional  
388 institution.

389 (15) "Management and general costs" means all such costs  
390 of a charitable organization or sponsor which are not  
391 identifiable with a single program or fundraising activity but  
392 which are indispensable to the conduct of such programs and  
393 activities and the charitable organization or sponsor's  
394 existence.

395 (16)~~(13)~~ "Membership" means the relationship of a person  
396 to an organization which ~~that~~ entitles her or him to the  
397 privileges, professional standing, honors, or other direct  
398 benefit of the organization in addition to the right to vote,  
399 elect officers, and hold office in the organization.

400 (17)~~(14)~~ "Owner" means a ~~any~~ person who has a direct or



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401 indirect interest in a ~~any~~ professional fundraising consultant  
402 or professional solicitor.

403 (18) ~~(15)~~ "Parent organization" means that part of a  
404 charitable organization or sponsor which coordinates,  
405 supervises, or exercises control over policy, fundraising, and  
406 expenditures or assists or advises one or more of the  
407 organization's chapters, branches, or affiliates in this state.

408 (19) ~~(16)~~ "Person" means an ~~any~~ individual, organization,  
409 trust, foundation, group, association, entity, partnership,  
410 corporation, or ~~society~~, or any combination thereof ~~of them~~.

411 (20) ~~(17)~~ "Professional fundraising consultant" means a ~~any~~  
412 person who is retained by a charitable organization or sponsor  
413 for a fixed fee or rate under a written agreement to plan,  
414 manage, conduct, carry on, advise, consult, or prepare material  
415 for a solicitation of contributions in this state, but who does  
416 not solicit contributions or employ, procure, or engage any  
417 compensated person to solicit contributions and who does not at  
418 any time have custody or control of contributions. A bona fide  
419 volunteer or bona fide employee or salaried officer of a  
420 charitable organization or sponsor maintaining a permanent  
421 establishment in this state is not a professional fundraising  
422 consultant. An attorney, investment counselor, or banker who  
423 advises an individual, corporation, or association to make a  
424 charitable contribution is not a professional fundraising  
425 consultant as the result of such advice.



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426        (21)~~(18)~~ "Professional solicitor" means a ~~any~~ person who,  
427 for compensation, performs for a charitable organization or  
428 sponsor a ~~any~~ service in connection with which contributions are  
429 or will be solicited in, or from a location in, this state by  
430 the compensated person or by a ~~any~~ person it employs, procures,  
431 or otherwise engages, directly or indirectly, to solicit  
432 contributions, or a person who plans, conducts, manages, carries  
433 on, advises, consults, ~~whether~~ directly or indirectly, in  
434 connection with the solicitation of contributions for or on  
435 behalf of a charitable organization or sponsor, but who does not  
436 qualify as a professional fundraising consultant. A bona fide  
437 volunteer or bona fide employee or salaried officer of a  
438 charitable organization or sponsor maintaining a permanent  
439 establishment in this state is not a professional solicitor. An  
440 attorney, investment counselor, or banker who advises an  
441 individual, corporation, or association to make a charitable  
442 contribution is not a professional solicitor as the result of  
443 such advice.

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

447        (23)~~(19)~~ "Religious institution" means a ~~any~~ church,  
448 ecclesiastical or denominational organization, or established  
449 physical place for worship in this state at which nonprofit  
450 religious services and activities are regularly conducted and



451 carried on, and includes those bona fide religious groups that  
452 ~~which~~ do not maintain specific places of worship. The term  
453 ~~"Religious institution"~~ also includes a ~~any~~ separate group or  
454 corporation that ~~which~~ forms an integral part of a religious  
455 institution that ~~which~~ is exempt from federal income tax under  
456 ~~the provisions of~~ s. 501(c)(3) of the Internal Revenue Code, and  
457 that ~~which~~ is not primarily supported by funds solicited outside  
458 its own membership or congregation.

459 ~~(24)~~ ~~(20)~~ "Solicitation" means a request, directly or  
460 indirectly, for money, property, financial assistance, or any  
461 other thing of value on the plea or representation that such  
462 money, property, financial assistance, or other thing of value  
463 or a portion of it will be used for a charitable or sponsor  
464 purpose or will benefit a charitable organization or sponsor.  
465 The term "Solicitation" includes, but is not limited to, the  
466 following methods of requesting or securing the promise, pledge,  
467 or grant of money, property, financial assistance, or any other  
468 thing of value:

469 (a) Making any oral or written request;

470 (b) Making any announcement to the press, on radio or  
471 television, by telephone or telegraph, or by any other  
472 communication device concerning an appeal or campaign by or for  
473 any charitable organization or sponsor or for any charitable or  
474 sponsor purpose;

475 (c) Distributing, circulating, posting, or publishing any



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476 | handbill, written advertisement, or other publication that  
477 | directly or by implication seeks to obtain any contribution; or  
478 | (d) Selling or offering or attempting to sell any  
479 | advertisement, advertising space, book, card, coupon, chance,  
480 | device, magazine, membership, merchandise, subscription,  
481 | sponsorship, flower, admission, ticket, food, or other service  
482 | or tangible good, item, or thing of value, or any right of any  
483 | description in connection with which any appeal is made for any  
484 | charitable organization or sponsor or charitable or sponsor  
485 | purpose, or when the name of any charitable organization or  
486 | sponsor is used or referred to in any such appeal as an  
487 | inducement or reason for making the sale or when, in connection  
488 | with the sale or offer or attempt to sell, any statement is made  
489 | that all or part of the proceeds from the sale will be used for  
490 | any charitable or sponsor purpose or will benefit any charitable  
491 | organization or sponsor.

492 |  
493 | A solicitation is considered as having taken place regardless of  
494 | whether ~~or not~~ the person making the solicitation receives any  
495 | contribution. A solicitation does not occur when a person  
496 | applies for a grant or an award to the government or to an  
497 | organization that is exempt from federal income taxation under  
498 | s. 501(a) of the Internal Revenue Code and described in s.  
499 | 501(c) of the Internal Revenue Code and is duly registered with  
500 | the department.



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501        (25)~~(21)~~ "Sponsor" means a group or person who ~~which~~ is or  
502 holds herself or himself ~~itself~~ out to be soliciting  
503 contributions by the use of a ~~any~~ name that ~~which~~ implies that  
504 the group or person is in any way affiliated with or organized  
505 for the benefit of emergency service employees or law  
506 enforcement officers and the group or person ~~which~~ is not a  
507 charitable organization. The term includes a chapter, branch, or  
508 affiliate that ~~which~~ has its principal place of business outside  
509 the state, if such chapter, branch, or affiliate solicits or  
510 holds itself out to be soliciting contributions in this state.

511        (26)~~(22)~~ "Sponsor purpose" means a ~~any~~ program or endeavor  
512 performed to benefit emergency service employees or law  
513 enforcement officers.

514        (27)~~(23)~~ "Sponsor sales promotion" means an advertising or  
515 sales campaign conducted by a commercial co-venturer who  
516 represents that the purchase or use of goods or services offered  
517 by the commercial co-venturer will be used for a sponsor purpose  
518 or donated to a sponsor. The provision of advertising services  
519 to a sponsor does not, in itself, constitute a sponsor sales  
520 promotion.

521        Section 6. Subsection (1), paragraphs (a) and (g) of  
522 subsection (2), subsection (3), paragraph (b) of subsection (4),  
523 and subsections (7) and (8) of section 496.405, Florida  
524 Statutes, are amended, and subsections (9) and (10) are added to  
525 that section, to read:



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526 496.405 Registration statements by charitable  
527 organizations and sponsors.—

528 (1)~~(a)~~ A charitable organization or sponsor, unless  
529 exempted pursuant to s. 496.406, which intends to solicit  
530 contributions in or from this state by any means or have funds  
531 solicited on its behalf by any other person, charitable  
532 organization, sponsor, commercial co-venturer, or professional  
533 solicitor, or that participates in a charitable sales promotion  
534 or sponsor sales promotion, must, before ~~prior to~~ engaging in  
535 any of these activities, file an initial registration statement,  
536 and a renewal statement annually thereafter, with the  
537 department.

538 (a)~~(b)~~ Except as provided in paragraph (b), any changes in  
539 the information submitted on the initial registration statement  
540 or the last renewal statement must be updated annually on a  
541 renewal statement provided by the department on or before the  
542 date that marks 1 year after the date the department approved  
543 the initial registration statement as provided in this section.  
544 The department shall annually provide a renewal statement to  
545 each registrant by mail or by electronic mail at least 30 days  
546 before the renewal date.

547 (b) Any changes to the information submitted to the  
548 department pursuant to paragraph (2)(d) on the initial  
549 registration statement or the last renewal statement must be  
550 reported to the department on a form prescribed by the



551 department within 10 days after the change occurs.

552 (c) A charitable organization or sponsor that is required  
553 to file an initial registration statement or annual renewal  
554 statement may not, before ~~prior to~~ approval of its statement by  
555 the department in accordance with subsection (7), solicit  
556 contributions or have contributions solicited on its behalf by  
557 any other person, charitable organization, sponsor, commercial  
558 co-venturer, or professional solicitor, or participate in a  
559 charitable sales promotion or sponsor sales promotion.

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

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

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

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

574 (2) The initial registration statement must be submitted  
575 on a form prescribed by the department, signed by an authorized



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576 official of the charitable organization or sponsor who shall  
577 certify that the registration statement is true and correct, and  
578 include the following information or material:

579 (a) A copy of the financial statement ~~report~~ or Internal  
580 Revenue Service Form 990 and all attached schedules or Internal  
581 Revenue Service Form 990-EZ and Schedule O required under s.  
582 496.407 for the immediately preceding fiscal year. A newly  
583 organized charitable organization or sponsor with no financial  
584 history must file a budget for the current fiscal year.

585 (g) The following information must be filed with the  
586 initial registration statement and must be updated when any  
587 change occurs in the information that was previously filed with  
588 the initial registration statement:

589 1. The principal street address and telephone number of  
590 the charitable organization or sponsor and the street address  
591 and telephone numbers of any offices in this state or, if the  
592 charitable organization or sponsor does not maintain an office  
593 in this state, the name, street address, and telephone number of  
594 the person who ~~that~~ has custody of its financial records. The  
595 parent organization that files a consolidated registration  
596 statement on behalf of its chapters, branches, or affiliates  
597 must additionally provide the street addresses and telephone  
598 numbers of all such locations in this state.

599 2. The names and street addresses of the officers,  
600 directors, trustees, and ~~the~~ principal salaried executive



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601 personnel.

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

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

605 5. The names, street addresses, and telephone numbers of  
606 the individuals or officers who have final responsibility for  
607 the custody of the contributions and who will be responsible for  
608 the final distribution of the contributions.

609 (3) Each chapter, branch, or affiliate of a parent  
610 organization that is required to register under this section  
611 must ~~either~~ file a separate registration statement and financial  
612 statement report or ~~must~~ report the required information to its  
613 parent organization, which shall then file, on a form prescribed  
614 by the department, a consolidated registration statement for the  
615 parent organization and its Florida chapters, branches, and  
616 affiliates. A consolidated registration statement filed by a  
617 parent organization must include or be accompanied by financial  
618 statements reports as specified in s. 496.407 for the parent  
619 organization and each of its Florida chapters, branches, and  
620 affiliates that solicited or received contributions during the  
621 preceding fiscal year. However, if all contributions received by  
622 chapters, branches, or affiliates are remitted directly into a  
623 depository account that ~~which~~ feeds directly into the parent  
624 organization's centralized accounting system from which all  
625 disbursements are made, the parent organization may submit one



626 consolidated financial statement ~~report~~ on a form prescribed by  
627 the department. The consolidated financial statement must comply  
628 with s. 496.407 and must reflect the activities of each chapter,  
629 branch, or affiliate of the parent organization, including all  
630 contributions received in the name of each chapter, branch, or  
631 affiliate; all payments made to each chapter, branch, or  
632 affiliate; and all administrative fees assessed to each chapter,  
633 branch, or affiliate. A copy of Internal Revenue Service Form  
634 990 and all attached schedules filed for the preceding fiscal  
635 year, or a copy of Internal Revenue Service Form 990-EZ and  
636 Schedule O for the preceding fiscal year, for the parent  
637 organization and each Florida chapter, branch, or affiliate that  
638 is required to file such forms must be attached to the  
639 consolidated financial statement.

640 (4)

641 (b) A charitable organization or sponsor that ~~which~~ fails  
642 to file a registration statement by the due date may be assessed  
643 an additional fee for such late filing. The late filing fee is  
644 ~~shall be~~ \$25 for each month or part of a month after the date on  
645 which the annual renewal statement was ~~and financial report were~~  
646 due to be filed with the department.

647 (7) (a) The department must examine each initial  
648 registration statement or annual renewal statement and the  
649 supporting documents filed by a charitable organization or  
650 sponsor and shall determine whether the registration



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651 requirements are satisfied. Within 15 business ~~working~~ days  
652 after its receipt of a statement, the department must examine  
653 the statement, notify the applicant of any apparent errors or  
654 omissions, and request any additional information the department  
655 is allowed by law to require. Failure to correct an error or  
656 omission or to supply additional information is not grounds for  
657 denial of the initial registration or annual renewal statement  
658 unless the department has notified the applicant within the 15-  
659 business-day ~~15-working-day~~ period. The department must approve  
660 or deny each statement, or must notify the applicant that the  
661 activity for which she or he seeks registration is exempt from  
662 the registration requirement, within 15 business ~~working~~ days  
663 after receipt of the initial registration or annual renewal  
664 statement or the requested additional information or correction  
665 of errors or omissions. A ~~Any~~ statement that is not approved or  
666 denied within 15 business ~~working~~ days after receipt of the  
667 requested additional information or correction of errors or  
668 omissions is approved. Within 7 business ~~working~~ days after  
669 receipt of a notification that the registration requirements are  
670 not satisfied, the charitable organization or sponsor may  
671 request a hearing. The hearing must be held within 7 business  
672 ~~working~~ days after receipt of the request, and any recommended  
673 order, if one is issued, must be rendered within 3 business  
674 ~~working~~ days after ~~of~~ the hearing. The final order must then be  
675 issued within 2 business ~~working~~ days after the recommended



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676 order. If a recommended order is not issued, the final order  
677 must be issued within 5 business ~~working~~ days after the hearing.  
678 The proceedings must be conducted in accordance with chapter  
679 120, except that the time limits and provisions set forth in  
680 this paragraph ~~subsection~~ prevail to the extent of any conflict.

681 (b) If a charitable organization or sponsor discloses  
682 information specified in subparagraphs (2) (d)2.-7. in the  
683 initial registration statement or annual renewal statement, the  
684 time limits set forth in paragraph (a) are waived, and the  
685 department shall process such initial registration statement or  
686 annual renewal statement in accordance with the time limits set  
687 forth in chapter 120. The registration of a charitable  
688 organization or sponsor shall be automatically suspended for  
689 failure to disclose any information specified in subparagraphs  
690 (2) (d)2.-7. until such time as the required information is  
691 submitted to the department.

692 (8) A ~~No~~ charitable organization or sponsor, or an  
693 officer, director, trustee, or employee thereof, may not shall  
694 knowingly allow an officer, director, trustee, or employee of  
695 the charitable organization or sponsor any of its officers,  
696 directors, trustees, or employees to solicit contributions on  
697 behalf of such charitable organization or sponsor if such  
698 officer, director, trustee, or employee has, in any state,  
699 regardless of adjudication, been convicted of, been ~~or~~ found  
700 guilty of, or pled guilty or nolo contendere to, or has been



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701 incarcerated within the last 10 years as a result of having  
702 previously been convicted of, been ~~or~~ found guilty of, or pled  
703 guilty or nolo contendere to, a ~~any~~ felony within the last 10  
704 years or a ~~any~~ crime within the last 10 years involving fraud,  
705 theft, larceny, embezzlement, fraudulent conversion,  
706 misappropriation of property, or a ~~any~~ crime arising from the  
707 conduct of a solicitation for a charitable organization or  
708 sponsor, or has been enjoined in any state from violating a ~~any~~  
709 law relating to a charitable solicitation. The prohibitions in  
710 this subsection also apply to a misdemeanor in another state  
711 which constitutes a disqualifying felony in this state.

712 (9) The department may deny or revoke the registration of  
713 a charitable organization or sponsor if the charitable  
714 organization or sponsor, or an officer, director, or trustee  
715 thereof, has had the right to solicit contributions revoked in  
716 any state or has been ordered by a court or governmental agency  
717 to cease soliciting contributions within any state.

718 (10) A charitable organization or sponsor registered under  
719 this section which ends solicitation activities or participation  
720 in charitable sales promotions in this state shall immediately  
721 notify the department in writing of the date such activities  
722 ceased.

723 Section 7. Section 496.4055, Florida Statutes, is created  
724 to read:

725 496.4055 Charitable organization or sponsor board duties.—



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726        (1) As used in this section, the term "conflict of  
727 interest transaction" means a transaction between a charitable  
728 organization or sponsor and another party in which a director,  
729 officer, or trustee of the charitable organization or sponsor  
730 has a direct or indirect financial interest. The term includes,  
731 but is not limited to, the sale, lease, or exchange of property  
732 to or from the charitable organization or sponsor; the lending  
733 of moneys to or borrowing of moneys from the charitable  
734 organization or sponsor; and the payment of compensation for  
735 services provided to or from the charitable organization or  
736 sponsor.

737        (2) The board of directors, or an authorized committee  
738 thereof, of a charitable organization or sponsor required to  
739 register with the department under s. 496.405 shall adopt a  
740 policy regarding conflict of interest transactions. The policy  
741 shall require annual certification of compliance with the policy  
742 by all directors, officers, and trustees of the charitable  
743 organization. A copy of the annual certification shall be  
744 submitted to the department with the annual registration  
745 statement required by s. 496.405.

746        Section 8. Section 496.407, Florida Statutes, is amended  
747 to read:

748        496.407 Financial statement ~~report~~.—

749        (1) A charitable organization or sponsor that is required  
750 to initially register or annually renew registration must file



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751 an annual financial statement ~~report~~ for the immediately  
752 preceding fiscal year on ~~upon~~ a form prescribed by the  
753 department.

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

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

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

758 3. ~~(c)~~ The names and addresses of the charitable  
759 organizations or sponsors, professional fundraising consultant,  
760 professional solicitors, and commercial co-venturers used, if  
761 any, and the amounts received therefrom ~~from each of them~~, if  
762 any.

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

766 a.1. Program service costs.

767 b.2. Management and general costs.

768 c.3. Fundraising costs.

769 (b) The financial statement must be audited or reviewed as  
770 follows:

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

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



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

778 3. For a charitable organization or sponsor that receives  
779 \$1 million or more in annual contributions, the financial  
780 statement shall be audited by an independent certified public  
781 accountant.

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

784 1. An audit shall be prepared by an independent certified  
785 public accountant in accordance with generally accepted auditing  
786 standards, including the Statements on Auditing Standards.

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

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

793 (2)(a) In lieu of the financial ~~statement~~ ~~report~~ described  
794 in subsection (1), a charitable organization or sponsor may  
795 submit a copy of its Internal Revenue Service Form 990 and all  
796 attached schedules filed for the preceding fiscal year, or a  
797 copy of its Internal Revenue Service Form 990-EZ and Schedule O  
798 filed for the preceding fiscal year. A charitable organization  
799 or sponsor that submits such forms or schedules may redact  
800 information that is not subject to public inspection pursuant to



801 26 U.S.C. s. 6104(d) (3) before submission.

802 (b) Forms and schedules described in paragraph (a)  
803 submitted by a charitable organization or sponsor that receives  
804 \$500,000 or more in annual contributions must be prepared by a  
805 certified public accountant or another professional who prepares  
806 such forms or schedules in the ordinary course of his or her  
807 business.

808 (3) Upon a showing of good cause by a charitable  
809 organization or sponsor, the department may extend the time for  
810 the filing of a financial statement required under this section  
811 by up to 180 days, during which time the previous registration  
812 shall remain active. The registration shall be automatically  
813 suspended for failure to file the financial statement within the  
814 extension period.

815 (4) The department may require that an audit or review be  
816 conducted for any financial statement submitted by a charitable  
817 organization or sponsor if the department finds any  
818 discrepancies, which may include, but are not limited to,  
819 irregular or inconsistent information, in the charitable  
820 organization's or sponsor's financial statement. A charitable  
821 organization or sponsor may elect to also include a financial  
822 report that has been audited by an independent certified public  
823 accountant or an audit with opinion by an independent certified  
824 public accountant. In the event that a charitable organization  
825 or sponsor elects to file an audited financial report, this



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826 ~~optional filing must be noted in the department's annual report~~  
827 ~~submitted pursuant to s. 496.423.~~

828 Section 9. Section 496.4071, Florida Statutes, is created  
829 to read:

830 496.4071 Supplemental financial disclosure.—

831 (1) If, for the immediately preceding fiscal year, a  
832 charitable organization or sponsor had more than \$1 million in  
833 total revenue and spent less than 25 percent of the organization  
834 or sponsor's total annual functional expenses on program service  
835 costs, in addition to any financial statement required under s.  
836 496.407, the charitable organization or sponsor shall file the  
837 following supplemental financial information on a form  
838 prescribed by the department:

839 (a) The dollar amount and the percentage of total revenue  
840 and charitable contributions allocated to funding each of the  
841 following administrative functions:

842 1. Total salaries of all persons employed by the  
843 charitable organization or sponsor.

844 2. Fundraising, including the names of any professional  
845 solicitors, amounts paid to professional solicitors, and  
846 contributions received from professional solicitors' campaigns.

847 3. Travel expenses.

848 4. Overhead and other expenses related to managing and  
849 administering the charitable organization or sponsor.

850 (b) The names of and specific sums earned by or paid to



851 all employees or consultants who earned or were paid more than  
852 \$100,000 during the immediately preceding fiscal year.

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

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

859 (e) The details of any economic or business transaction  
860 between the charitable organization or sponsor and an officer,  
861 trustee, or director of the charitable organization or sponsor;  
862 the immediate family of an officer, trustee, or director of the  
863 charitable organization or sponsor; an entity controlled by an  
864 officer, trustee, or director of the charitable organization or  
865 sponsor; an entity controlled by the immediate family of an  
866 officer, trustee, or director of the charitable organization or  
867 sponsor; an entity that employed or engaged for consultation an  
868 officer, trustee, or director of the charitable organization or  
869 sponsor; and an entity that employed or engaged for consultation  
870 the immediate family of an officer, trustee, or director of the  
871 charitable organization or sponsor. As used in this paragraph,  
872 the term "immediate family" means a parent, spouse, child,  
873 sibling, grandparent, grandchild, brother-in-law, sister-in-law,  
874 son-in-law, daughter-in-law, mother-in-law, or father-in-law.

875 (f) Any additional clarifying information.



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876       (2) The supplemental financial information required under  
877 subsection (1) must be filed with the department by the  
878 charitable organization or sponsor within 30 days after  
879 receiving a request for such information from the department.

880       Section 10. Section 496.4072, Florida Statutes, is created  
881 to read:

882       496.4072 Financial statements for specific disaster relief  
883 solicitations.—

884       (1) A charitable organization or sponsor that solicits  
885 contributions in this state for a charitable purpose related to  
886 a specific disaster or crisis and receives at least \$50,000 in  
887 contributions in response to such solicitation shall file  
888 quarterly disaster relief financial statements with the  
889 department on a form prescribed by the department. The quarterly  
890 statements must detail the contributions secured as a result of  
891 the solicitation and the manner in which such contributions were  
892 expended.

893       (2) The first quarterly statement shall be filed on the  
894 last day of the 3rd month following the accrual of at least  
895 \$50,000 in contributions after the commencement of solicitations  
896 for the specific disaster or crisis. The charitable organization  
897 or sponsor shall continue to file quarterly statements with the  
898 department until the quarter after all contributions raised in  
899 response to the solicitation are expended.

900       (3) The department shall post notice on its website of



901 each disaster or crisis subject to the reporting requirements of  
902 this section within 10 days after the disaster or crisis.

903 (4) A charitable organization or sponsor that has been  
904 registered with the department for at least 4 consecutive years  
905 immediately before soliciting contributions for a charitable  
906 purpose related to a specific disaster or crisis is exempt from  
907 the reporting requirements of this section.

908 Section 11. Subsections (4), (6), and (9) of section  
909 496.409, Florida Statutes, are amended, and subsection (10) is  
910 added to that section, to read:

911 496.409 Registration and duties of professional  
912 fundraising consultant.—

913 (4) A professional fundraising consultant may enter into a  
914 contract or agreement with a charitable organization or sponsor  
915 only if the charitable organization or sponsor has complied with  
916 all applicable provisions of this chapter. A ~~Every~~ contract or  
917 agreement between a professional fundraising consultant and a  
918 charitable organization or sponsor must be in writing, signed by  
919 two authorized officials of the charitable organization or  
920 sponsor, and filed by the professional fundraising consultant  
921 with the department at least 5 days before ~~prior to~~ the  
922 performance of any material service by the professional  
923 fundraising consultant. Solicitation under the contract or  
924 agreement may not begin before the filing of the contract or  
925 agreement.



926           (6) (a) The department shall examine each registration  
927 statement and all supporting documents filed by a professional  
928 fundraising consultant and determine whether the registration  
929 requirements are satisfied. If the department determines that  
930 the registration requirements are not satisfied, the department  
931 must notify the professional fundraising consultant within 15  
932 business ~~working~~ days after its receipt of the registration  
933 statement; otherwise the registration statement is approved.  
934 Within 7 business ~~working~~ days after receipt of a notification  
935 that the registration requirements are not satisfied, the  
936 applicant may request a hearing. The hearing must be held within  
937 7 business ~~working~~ days after receipt of the request, and any  
938 recommended order, if one is issued, must be rendered within 3  
939 business ~~working~~ days after the hearing. The final order must  
940 then be issued within 2 business ~~working~~ days after the  
941 recommended order. If a ~~there is no~~ recommended order is not  
942 issued, the final order must be issued within 5 business ~~working~~  
943 days after the hearing. The proceedings must be conducted in  
944 accordance with chapter 120, except that the time limits and  
945 provisions set forth in this paragraph ~~subsection~~ prevail to the  
946 extent of any conflict.

947           (b) If a professional fundraising consultant discloses  
948 information specified in paragraphs (2) (e)-(g) in the initial  
949 application for registration or renewal application, the time  
950 limits set forth in paragraph (a) are waived, and the department



951 shall process the initial application for registration or the  
952 renewal application in accordance with the time limits set forth  
953 in chapter 120. The registration of a professional consultant  
954 shall be automatically suspended for failure to disclose any  
955 information specified in paragraphs (2)(e)-(g) until such time  
956 as the required information is submitted to the department.

957 (9) A ~~No~~ person may not act as a professional fundraising  
958 consultant, and a ~~no~~ professional fundraising consultant, or an  
959 officer, director, trustee, or employee thereof, may not ~~shall~~  
960 knowingly employ an ~~any~~ officer, trustee, director, or employee,  
961 if such person has, in any state, regardless of adjudication,  
962 been convicted of, been ~~or~~ found guilty of, or pled guilty or  
963 nolo contendere to, or has been incarcerated within the last 10  
964 years as a result of having previously been convicted of, been  
965 ~~or~~ found guilty of, or pled guilty or nolo contendere to, a ~~any~~  
966 crime within the last 10 years involving fraud, theft, larceny,  
967 embezzlement, fraudulent conversion, or misappropriation of  
968 property, or a ~~any~~ crime arising from the conduct of a  
969 solicitation for a charitable organization or sponsor, or has  
970 been enjoined in any state from violating a ~~any~~ law relating to  
971 a charitable solicitation.

972 (10) The department may deny or revoke the registration of  
973 a professional fundraising consultant if the professional  
974 fundraising consultant, or any of its officers, directors, or  
975 trustees, has had the right to solicit contributions revoked in



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976 any state or has been ordered by a court or governmental agency  
977 to cease soliciting contributions within any state.

978 Section 12. Paragraph (i) of subsection (2) and  
979 subsections (3), (5), (7), (14), and (15) of section 496.410,  
980 Florida Statutes, are amended, paragraphs (j), (k), and (l) are  
981 added to subsection (2) of that section, paragraphs (i) through  
982 (n) are added to subsection (6) of that section, and a new  
983 subsection (15) is added to that section, to read:

984 496.410 Registration and duties of professional  
985 solicitors.—

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

991 (i) The names, dates of birth, and identifying numbers on  
992 or associated with valid government-issued identification cards  
993 of all persons in charge of or engaged in any solicitation  
994 activity, except those individuals required to obtain an  
995 individual license pursuant to s. 496.4101.

996 (j) A list of all telephone numbers the applicant will use  
997 to solicit contributions as well as the actual physical address  
998 associated with each telephone number and any fictitious names  
999 associated with such address.

1000 (k) A copy of any script, outline, or presentation used by



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1001 the applicant to solicit contributions or, if such solicitation  
1002 aids are not used, written confirmation thereof.

1003 (1) A copy of sales information or literature provided to  
1004 a donor or potential donor by the applicant in connection with a  
1005 solicitation.

1006 (3) The application for registration must be accompanied  
1007 by a fee of \$300. ~~A professional solicitor that is a partnership~~  
1008 ~~or corporation may register for and pay a single fee on behalf~~  
1009 ~~of all of its partners, members, officers, directors, agents,~~  
1010 ~~and employees. In that case,~~ The names and street addresses of  
1011 all the officers, employees, and agents of the professional  
1012 solicitor and all other persons with whom the professional  
1013 solicitor has contracted to work under its direction, including  
1014 solicitors, must be listed in the application or furnished to  
1015 the department within 5 days after the date of employment or  
1016 contractual arrangement. Each registration is valid for 1 year  
1017 and. ~~The registration~~ may be renewed for an additional 1-year  
1018 period upon application to the department and payment of the  
1019 registration fee.

1020 (5) (a) The department must examine each registration  
1021 statement and supporting documents filed by a professional  
1022 solicitor. If the department determines that the registration  
1023 requirements are not satisfied, the department must notify the  
1024 professional solicitor within 15 business ~~working~~ days after its  
1025 receipt of the registration statement; otherwise the



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1026 registration statement is approved. Within 7 business ~~working~~  
1027 days after receipt of a notification that the registration  
1028 requirements are not satisfied, the applicant may request a  
1029 hearing. The hearing must be held within 7 business ~~working~~ days  
1030 after receipt of the request, and any recommended order, if one  
1031 is issued, must be rendered within 3 business ~~working~~ days after  
1032 the hearing. The final order must then be issued within 2  
1033 business ~~working~~ days after the recommended order. If a ~~there is~~  
1034 ~~no~~ recommended order is not issued, the final order must be  
1035 issued within 5 business ~~working~~ days after the hearing. The  
1036 proceedings must be conducted in accordance with chapter 120,  
1037 except that the time limits and provisions set forth in this  
1038 paragraph ~~subsection~~ prevail to the extent of any conflict.

1039 (b) If a professional solicitor discloses information  
1040 specified in paragraphs (2)(f)-(h) in the initial application  
1041 for registration or the renewal application, the time limits set  
1042 forth in paragraph (a) are waived, and the department shall  
1043 process the initial application for registration or renewal  
1044 application in accordance with the time limits set forth in  
1045 chapter 120. The registration of a professional solicitor shall  
1046 be automatically suspended for failure to disclose any  
1047 information specified in paragraphs (2)(f)-(h) until such time  
1048 as the required information is submitted to the department.

1049 (6) No less than 15 days before commencing any  
1050 solicitation campaign or event, the professional solicitor must



1051 file with the department a solicitation notice on a form  
1052 prescribed by the department. The notice must be signed and  
1053 sworn to by the contracting officer of the professional  
1054 solicitor and must include:

1055 (i) A statement of the guaranteed minimum percentage of  
1056 the gross receipts from contributions which will be remitted to  
1057 the charitable organization or sponsor, if any, or, if the  
1058 solicitation involves the sale of goods, services, or tickets to  
1059 a fundraising event, the percentage of the purchase price which  
1060 will be remitted to the charitable organization or sponsor, if  
1061 any.

1062 (j) The percentage of a contribution which may be deducted  
1063 as a charitable contribution under federal income tax laws.

1064 (k) A statement as to whether an owner, director, officer,  
1065 trustee, or employee of the professional solicitor is related as  
1066 a parent, spouse, child, sibling, grandparent, grandchild,  
1067 brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
1068 mother-in-law, or father-in-law to:

1069 1. Another officer, director, owner, trustee, or employee  
1070 of the professional solicitor.

1071 2. An officer, director, owner, trustee, or employee of a  
1072 charitable organization or sponsor under contract with the  
1073 professional solicitor.

1074 3. A supplier or vendor providing goods or services to a  
1075 charitable organization or sponsor under contract with the



1076 professional solicitor.

1077 (l) The beginning and ending dates of the solicitation  
1078 campaign.

1079 (m) A copy of any script, outline, or presentation used by  
1080 the professional solicitor to solicit contributions for the  
1081 solicitation campaign or, if such solicitation aids are not  
1082 used, written confirmation thereof.

1083 (n) A copy of sales information or literature provided to  
1084 a donor or potential donor by the professional solicitor in  
1085 connection with the solicitation campaign.

1086 (7) A professional solicitor may enter into a contract or  
1087 agreement with a charitable organization or sponsor only if the  
1088 charitable organization or sponsor has complied with all  
1089 applicable provisions of this chapter. A ~~Each~~ contract or  
1090 agreement between a professional solicitor and a charitable  
1091 organization or sponsor for each solicitation campaign must be  
1092 in writing, signed by two authorized officials of the charitable  
1093 organization or sponsor, one of whom must be a member of the  
1094 organization's governing body and one of whom must be the  
1095 authorized contracting officer for the professional solicitor,  
1096 and contain all of the following provisions:

1097 (a) A statement of the charitable or sponsor purpose and  
1098 program for which the solicitation campaign is being conducted.

1099 (b) A statement of the respective obligations of the  
1100 professional solicitor and the charitable organization or



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1101 sponsor.

1102 (c) A statement of the guaranteed minimum percentage of  
1103 the gross receipts from contributions which will be remitted to  
1104 the charitable organization or sponsor, if any, or, if the  
1105 solicitation involves the sale of goods, services, or tickets to  
1106 a fundraising event, the percentage of the purchase price which  
1107 will be remitted to the charitable organization or sponsor, if  
1108 any. Any stated percentage shall exclude any amount which the  
1109 charitable organization or sponsor is to pay as fundraising  
1110 costs.

1111 (d) A statement of the percentage of the gross revenue  
1112 which the professional solicitor will be compensated. If the  
1113 compensation of the professional solicitor is not contingent  
1114 upon the number of contributions or the amount of revenue  
1115 received, his or her compensation shall be expressed as a  
1116 reasonable estimate of the percentage of the gross revenue, and  
1117 the contract must clearly disclose the assumptions upon which  
1118 the estimate is based. The stated assumptions must be based upon  
1119 all of the relevant facts known to the professional solicitor  
1120 regarding the solicitation to be conducted by the professional  
1121 solicitor.

1122 (e) The effective and termination dates of the contract.

1123 (14) A ~~No~~ person may not act as a professional solicitor,  
1124 and a ~~no~~ professional solicitor, or an officer, director,  
1125 trustee, or employee thereof, may not ~~shall~~, to solicit for



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1126 compensation, knowingly employ an ~~any~~ officer, trustee,  
1127 director, or employee, or a ~~any~~ person with a controlling  
1128 interest therein, who has, in any state, regardless of  
1129 adjudication, been convicted of, been ~~or~~ found guilty of, or  
1130 pled guilty or nolo contendere to, or has been incarcerated  
1131 within the last 10 years as a result of having previously been  
1132 convicted of, been ~~or~~ found guilty of, or pled guilty or nolo  
1133 contendere to, a felony within the last 10 years involving  
1134 fraud, theft, larceny, embezzlement, fraudulent conversion, or  
1135 misappropriation of property, or a ~~any~~ crime arising from the  
1136 conduct of a solicitation for a charitable organization or  
1137 sponsor, or has been enjoined in any state from violating a ~~any~~  
1138 law relating to a charitable solicitation. The prohibitions in  
1139 this subsection also apply to a misdemeanor in another state  
1140 which constitutes a disqualifying felony in this state.

1141 (15) The department may deny or revoke the registration of  
1142 a professional solicitor if the professional solicitor, or any  
1143 of its officers, directors, trustees, or agents, has had the  
1144 right to solicit contributions revoked in any state or has been  
1145 ordered by a court or governmental agency to cease soliciting  
1146 contributions within any state.

1147 (16) ~~(15)~~ All registration fees must be paid to the  
1148 department and deposited into the General Inspection Trust Fund.

1149 Section 13. Section 496.4101, Florida Statutes, is created  
1150 to read:



1151 496.4101 Licensure of professional solicitors and certain  
1152 employees thereof.—

1153 (1) Each officer, director, trustee, or owner of a  
1154 professional solicitor and any employee of a professional  
1155 solicitor conducting telephonic solicitations during which a  
1156 donor's or potential donor's personal financial information is  
1157 requested or provided must, before engaging in solicitation  
1158 activities, obtain a solicitor license from the department. As  
1159 used in this subsection, the term "personal financial  
1160 information" includes, but is not limited to, social security  
1161 numbers, credit card numbers, banking information, and credit  
1162 reports.

1163 (2) Persons required to obtain a solicitor license under  
1164 subsection (1) shall submit to the department, in such form as  
1165 the department prescribes, an application for a solicitor  
1166 license. The application must include the following information:

1167 (a) The true name, date of birth, unique identification  
1168 number of a driver license or other valid form of  
1169 identification, and home address of the applicant.

1170 (b) Whether the applicant, in any state, regardless of  
1171 adjudication, has previously been convicted of, been found  
1172 guilty of, or pled guilty or nolo contendere to, or has been  
1173 incarcerated within the last 10 years as a result of having  
1174 previously been convicted of, been found guilty of, or pled  
1175 guilty or nolo contendere to, a crime within the last 10 years



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1176 involving fraud, theft, larceny, embezzlement, fraudulent  
1177 conversion, or misappropriation of property, or a crime arising  
1178 from the conduct of a solicitation for a charitable organization  
1179 or sponsor, or has been enjoined in any state from violating a  
1180 law relating to a charitable solicitation.

1181 (c) Whether the applicant, in any state, is involved in  
1182 pending litigation or has had entered against her or him an  
1183 injunction, a temporary restraining order, or a final judgment  
1184 or order, including a stipulated judgment or order, an assurance  
1185 of voluntary compliance, a cease and desist order, or any  
1186 similar document, in any civil or administrative action  
1187 involving fraud, theft, larceny, embezzlement, fraudulent  
1188 conversion, or misappropriation of property, or has been  
1189 enjoined from violating any law relating to a charitable  
1190 solicitation.

1191 (3) (a) An applicant shall submit a complete set of his or  
1192 her fingerprints to an agency, entity, or vendor authorized by  
1193 s. 943.053(13). The fingerprints shall be forwarded to the  
1194 Department of Law Enforcement for state processing, and the  
1195 Department of Law Enforcement shall forward them to the Federal  
1196 Bureau of Investigation for national processing.

1197 (b) Fees for state and federal fingerprint processing and  
1198 fingerprint retention fees shall be borne by the applicant. The  
1199 state cost for fingerprint processing is that authorized in s.  
1200 943.053(3) (b) for records provided to persons or entities other



1201 than those specified as exceptions therein.

1202 (c) All fingerprints submitted to the Department of Law  
1203 Enforcement as required under this subsection shall be retained  
1204 by the Department of Law Enforcement as provided under s.  
1205 943.05(2)(g) and (h) and enrolled in the Federal Bureau of  
1206 Investigation's national retained print arrest notification  
1207 program. Fingerprints shall not be enrolled in the national  
1208 retained print arrest notification program until the Department  
1209 of Law Enforcement begins participation with the Federal Bureau  
1210 of Investigation. Arrest fingerprints will be searched against  
1211 the retained prints by the Department of Law Enforcement and the  
1212 Federal Bureau of Investigation.

1213 (d) For any renewal of the applicant's license, the  
1214 department shall request the Department of Law Enforcement to  
1215 forward the retained fingerprints of the applicant to the  
1216 Federal Bureau of Investigation unless the applicant is enrolled  
1217 in the national retained print arrest notification program  
1218 described in paragraph (c). The fee for the national criminal  
1219 history check shall be paid as part of the renewal fee to the  
1220 department and forwarded by the department to Department of Law  
1221 Enforcement. If the applicant's fingerprints are retained in the  
1222 national retained print arrest notification program, the  
1223 applicant shall pay the state and national retention fee to the  
1224 department, which shall forward the fee to the Department of Law  
1225 Enforcement.



1226        (e) The department shall notify the Department of Law  
1227 Enforcement regarding any person whose fingerprints have been  
1228 retained but who is no longer licensed under this chapter.

1229        (f) The department shall screen background results to  
1230 determine whether an applicant meets licensure requirements.

1231        (4) A solicitor license must be renewed annually by the  
1232 submission of a renewal application. A solicitor license that is  
1233 not renewed expires without further action by the department.

1234        (5) An applicant for a solicitor license shall remit a  
1235 license fee of \$50 to the department at the time the initial  
1236 application is filed with the department and an annual renewal  
1237 fee of \$50 thereafter. All fees collected, less the cost of  
1238 administration, shall be deposited into the General Inspection  
1239 Trust Fund.

1240        (6) Any material change to the information submitted to  
1241 the department in the initial application or renewal application  
1242 for a solicitor license shall be reported to the department by  
1243 the applicant or licensee within 10 days after the change  
1244 occurs. The applicant or licensee shall also remit a fee in the  
1245 amount of \$10 for processing the change to the initial or  
1246 renewal application.

1247        (7) It is a violation of this chapter:

1248        (a) For an applicant to provide inaccurate or incomplete  
1249 information to the department in the initial or renewal  
1250 application for a solicitor license.



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1251 (b) For a person specified in subsection (1) to fail to  
1252 maintain a solicitor license as required by this section.

1253 (c) For a professional solicitor to allow, require,  
1254 permit, or authorize an employee without an active solicitor  
1255 license issued under this section to conduct telephonic  
1256 solicitations.

1257 (8) The department shall adopt rules that allow applicants  
1258 to engage in solicitation activities on a temporary basis until  
1259 such time as a solicitor license is granted or denied.

1260 (9) The department may deny or revoke a solicitor license  
1261 if the applicant or licensee has had the right to solicit  
1262 contributions revoked in any state, has been ordered by a court  
1263 or governmental agency to cease soliciting contributions within  
1264 any state, or is subject to any disqualification specified in s.  
1265 496.410(14).

1266 (10) Any administrative proceeding that could result in  
1267 entry of an order under this section shall be conducted in  
1268 accordance with chapter 120.

1269 Section 14. Subsections (2), (3), and (6) of section  
1270 496.411, Florida Statutes, are amended to read:

1271 496.411 Disclosure requirements and duties of charitable  
1272 organizations and sponsors.—

1273 (2) A charitable organization or sponsor soliciting in  
1274 this state must include all of the following disclosures at the  
1275 point of solicitation:



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1276 (a) The name of the charitable organization or sponsor and  
1277 state of the principal place of business of the charitable  
1278 organization or sponsor.†

1279 (b) A description of the purpose or purposes for which the  
1280 solicitation is being made.†

1281 (c) Upon request, the name and either the address or  
1282 telephone number of a representative to whom inquiries may ~~could~~  
1283 be addressed.†

1284 (d) Upon request, the amount of the contribution which may  
1285 be deducted as a charitable contribution under federal income  
1286 tax laws.†

1287 (e) Upon request, the source from which a written  
1288 financial statement may be obtained. Such financial statement  
1289 must be for the immediate preceding ~~past~~ fiscal year and must be  
1290 consistent with the annual financial statement ~~report~~ filed  
1291 under s. 496.407. The written financial statement must be  
1292 provided within 14 days after the request and must state the  
1293 purpose for which funds are raised, the total amount of all  
1294 contributions raised, the total costs and expenses incurred in  
1295 raising contributions, the total amount of contributions  
1296 dedicated to the stated purpose or disbursed for the stated  
1297 purpose, and whether the services of another person or  
1298 organization have been contracted to conduct solicitation  
1299 activities.

1300 (3) Every charitable organization or sponsor that ~~which~~ is



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1301 required to register under s. 496.405 or is exempt under s.  
1302 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~  
1303 ~~letters~~ the following statement on every ~~printed~~ solicitation,  
1304 ~~written~~ confirmation, receipt, or reminder of a contribution:

1305

1306 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1307 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
1308 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
1309 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
1310 APPROVAL, OR RECOMMENDATION BY THE STATE."

1311

1312 The statement must include a toll-free number and website for  
1313 the division which ~~that~~ can be used to obtain the registration  
1314 information. If ~~When~~ the solicitation consists of more than one  
1315 piece, the statement must be displayed prominently in the  
1316 solicitation materials. If the solicitation occurs on a website,  
1317 the statement must be conspicuously displayed on any webpage  
1318 that identifies a mailing address where contributions are to be  
1319 sent, identifies a telephone number to call to process  
1320 contributions, or provides for online processing of  
1321 contributions.

1322 (6) Each charitable organization or sponsor that is  
1323 required to register under s. 496.405 shall conspicuously  
1324 display the organization ~~organization's~~ or sponsor's  
1325 registration number issued by the department under this chapter



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1326 on every printed solicitation, written confirmation, receipt, or  
1327 reminder of a contribution. If the solicitation consists of more  
1328 than a single item, the statement shall be displayed prominently  
1329 in the solicitation materials.

1330 Section 15. Subsection (1) of section 496.412, Florida  
1331 Statutes, is amended to read:

1332 496.412 Disclosure requirements and duties of professional  
1333 solicitors.—

1334 (1) A professional solicitor must comply with and be  
1335 responsible for complying or causing compliance with the  
1336 following disclosures:

1337 (a) Before ~~Prior to~~ orally requesting a contribution, or  
1338 contemporaneously with a written request for a contribution, a  
1339 professional solicitor must clearly disclose:

1340 1. The name of the professional solicitor as on file with  
1341 the department.

1342 2. If the individual acting on behalf of the professional  
1343 solicitor identifies himself or herself by name, the  
1344 individual's legal name.

1345 3. The name and state of the principal place of business  
1346 of the charitable organization or sponsor and a description of  
1347 how the contributions raised by the solicitation will be used  
1348 for a charitable or sponsor purpose~~r~~ or, if there is no  
1349 charitable organization or sponsor, a description as to how the  
1350 contributions raised by the solicitation will be used for a



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1351 charitable or sponsor purpose.

1352 (b) In the case of a solicitation campaign conducted  
1353 orally, whether by telephone or otherwise, any written  
1354 confirmation, receipt, or reminder sent to any person who has  
1355 contributed or has pledged to contribute, shall include a clear  
1356 disclosure of the information required by paragraph (a).

1357 (c) In addition to the information required by paragraph  
1358 (a), any written confirmation, receipt, or reminder of  
1359 contribution made pursuant to an oral solicitation and any  
1360 ~~written~~ solicitation shall conspicuously state ~~in capital~~  
1361 ~~letters~~:

1362  
1363 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1364 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
1365 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
1366 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
1367 APPROVAL, OR RECOMMENDATION BY THE STATE."  
1368

1369 The statement must include a toll-free number and website for  
1370 the division which ~~that~~ can be used to obtain the registration  
1371 information. If ~~When~~ the solicitation consists of more than one  
1372 piece, the statement must be displayed prominently in the  
1373 solicitation materials. If the solicitation occurs on a website,  
1374 the statement must be conspicuously displayed on any webpage  
1375 that identifies a mailing address where contributions are to be



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1376 sent, identifies a telephone number to call to process  
1377 contributions, or provides for online processing of  
1378 contributions.

1379 (d) If requested by the person being solicited, the  
1380 professional solicitor shall inform that person in writing,  
1381 within 14 days after ~~of~~ the request, of the fixed percentage of  
1382 the gross revenue or the reasonable estimate of the percentage  
1383 of the gross revenue that the charitable organization or sponsor  
1384 will receive as a benefit from the solicitation campaign or  
1385 shall immediately notify the person being solicited that the  
1386 information is available on the department's website or by  
1387 calling the division's toll-free number.

1388 (e) If requested by the person being solicited, the  
1389 professional solicitor shall inform that person in writing,  
1390 within 14 days after ~~of~~ the request, of the percentage of the  
1391 contribution which may be deducted as a charitable contribution  
1392 under federal income tax laws or shall immediately notify the  
1393 person being solicited that the information is available on the  
1394 department's website or by calling the division's toll-free  
1395 number.

1396 Section 16. Section 496.4121, Florida Statutes, is created  
1397 to read:

1398 496.4121 Collection receptacles used for donations.-

1399 (1) As used in this section, the term "collection  
1400 receptacle" means a receptacle used to collect donated clothing,



1401 household items, or other goods for resale.

1402 (2) A collection receptacle must display a permanent sign  
1403 or label on each side which contains the following information  
1404 printed in letters that are at least 3 inches in height and no  
1405 less than one-half inch in width, in a color that contrasts with  
1406 the color of the collection receptacle:

1407 (a) For a collection receptacle used by a person required  
1408 to register under this chapter, the name, business address,  
1409 telephone number, and registration number of the charitable  
1410 organization or sponsor for whom the solicitation is made.

1411 (b) For a collection receptacle placed or maintained in  
1412 public view by a person not required to register under this  
1413 chapter or by a person not claiming an exemption pursuant to s.  
1414 496.406, the name, telephone number, and physical address of the  
1415 business conducting the solicitation and the statement: "This is  
1416 not a charity. Donations made here support a for-profit business  
1417 and are not tax deductible."

1418 (3) Upon request, a charitable organization or sponsor  
1419 using a collection receptacle must provide the donor with  
1420 documentation of its tax-exempt status and the registration  
1421 issued under this chapter.

1422 Section 17. Subsection (2) of section 496.415, Florida  
1423 Statutes, is amended, and subsection (18) is added to that  
1424 section, to read:

1425 496.415 Prohibited acts.—It is unlawful for any person in



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1426 connection with the planning, conduct, or execution of any  
1427 solicitation or charitable or sponsor sales promotion to:  
1428 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate  
1429 information in a document that is filed with the department,  
1430 provided to the public, or offered in response to a request or  
1431 investigation by the department, the Department of Legal  
1432 Affairs, or the state attorney.

1433 (18) Fail to remit to a charitable organization or sponsor  
1434 the disclosed guaranteed minimum percentage of gross receipts  
1435 from contributions as required under s. 496.410(7)(c) or, if the  
1436 solicitation involved the sale of goods, services, or tickets to  
1437 a fundraising event, the percentage of the purchase price as  
1438 agreed in the contract or agreement as required under this  
1439 chapter.

1440 Section 18. Subsection (5) of section 496.419, Florida  
1441 Statutes, is amended to read:

1442 496.419 Powers of the department.—

1443 (5) Upon a finding as set forth in subsection (4), the  
1444 department may enter an order doing one or more of the  
1445 following:

1446 (a) Issuing a notice of noncompliance pursuant to s.  
1447 120.695;

1448 (b) Issuing a cease and desist order that directs that the  
1449 person cease and desist specified fundraising activities;

1450 (c) Refusing to register or canceling or suspending a



1451 registration;

1452 (d) Placing the registrant on probation for a period of  
1453 time, subject to such conditions as the department may specify;

1454 (e) Canceling an exemption granted under s. 496.406; ~~and~~

1455 (f) Except as provided in paragraph (g), imposing an  
1456 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or  
1457 omission that ~~which~~ constitutes a violation of ss. 496.401-  
1458 496.424 or s. 496.426 or a rule or order. With respect to a s.  
1459 501(c)(3) organization, the penalty imposed pursuant to this  
1460 subsection may ~~shall~~ not exceed \$500 per violation for failure  
1461 to register under s. 496.405 or file for an exemption under s.  
1462 496.406(2). The penalty shall be the entire amount per violation  
1463 and is not ~~to be interpreted as~~ a daily penalty; and

1464 (g) Imposing an administrative fine not to exceed \$10,000  
1465 for a violation of this chapter that involves fraud or  
1466 deception.

1467 Section 19. Section 496.4191, Florida Statutes, is created  
1468 to read:

1469 496.4191 Additional penalty; immediate suspension.—Upon  
1470 notification and subsequent written verification by a law  
1471 enforcement agency, a court, a state attorney, or the Department  
1472 of Law Enforcement, the department shall immediately suspend a  
1473 registration or the processing of an application for a  
1474 registration if the registrant, applicant, or an officer or  
1475 director of the registrant or applicant is formally charged with



1476 a crime involving fraud, theft, larceny, embezzlement, or  
1477 fraudulent conversion or misappropriation of property or a crime  
1478 arising from the conduct of a solicitation for a charitable  
1479 organization or sponsor until final disposition of the case or  
1480 removal or resignation of that officer or director.

1481 Section 20. Section 496.430, Florida Statutes, is created  
1482 to read:

1483 496.430 Disqualification for certain tax exemptions.-

1484 (1) In addition to the penalties provided for in s.  
1485 496.419(5), the department may issue an order to disqualify a  
1486 charitable organization or sponsor from receiving any sales tax  
1487 exemption certificate issued by the Department of Revenue if the  
1488 department finds a violation of s. 496.419(4).

1489 (2) A charitable organization or sponsor may appeal a  
1490 disqualification order by requesting a hearing within 21 days  
1491 after notification from the department that it has issued a  
1492 disqualification order under this section. The hearing must be  
1493 conducted in accordance with chapter 120.

1494 (3) A disqualification order issued by the department  
1495 pursuant to this section is effective for 1 year after such  
1496 order becomes final. After the expiration of a final  
1497 disqualification order, a charitable organization or sponsor may  
1498 apply to the Department of Revenue for a sales tax exemption  
1499 certificate.

1500 (4) The department shall provide a disqualification order



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1501 to the Department of Revenue within 30 days after such order  
1502 becomes final. A final disqualification order is conclusive as  
1503 to the charitable organization or sponsor's entitlement to a  
1504 sales tax exemption. The Department of Revenue shall revoke a  
1505 sales tax exemption certificate granted to, or refuse to grant a  
1506 sales tax exemption certificate to, a charitable organization or  
1507 sponsor subject to a final disqualification order within 30 days  
1508 after receiving such disqualification order. A charitable  
1509 organization or sponsor may not appeal or challenge the  
1510 revocation or denial of a sales tax exemption certificate by the  
1511 Department of Revenue if such revocation or denial is based upon  
1512 a final disqualification order issued pursuant to this section.

1513 Section 21. Paragraph (a) of subsection (3) of section  
1514 741.0305, Florida Statutes, is amended to read:

1515 741.0305 Marriage fee reduction for completion of  
1516 premarital preparation course.—

1517 (3) (a) All individuals electing to participate in a  
1518 premarital preparation course shall choose from the following  
1519 list of qualified instructors:

- 1520 1. A psychologist licensed under chapter 490.
- 1521 2. A clinical social worker licensed under chapter 491.
- 1522 3. A marriage and family therapist licensed under chapter  
1523 491.
- 1524 4. A mental health counselor licensed under chapter 491.
- 1525 5. An official representative of a religious institution



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1526 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the  
1527 representative has relevant training.

1528 6. Any other provider designated by a judicial circuit,  
1529 including, but not limited to, school counselors who are  
1530 certified to offer such courses. Each judicial circuit may  
1531 establish a roster of area course providers, including those who  
1532 offer the course on a sliding fee scale or for free.

1533 Section 22. If any provision of this act or its  
1534 application to any person or circumstance is held invalid, the  
1535 invalidity does not affect other provisions or applications of  
1536 the act which can be given effect without the invalid provision  
1537 or application, and to this end the provisions of this act are  
1538 severable.

1539 Section 23. For the 2014-2015 fiscal year, the sums of  
1540 \$179,944 in recurring funds and \$235,584 in nonrecurring funds  
1541 from the General Inspection Trust Fund are appropriated to the  
1542 Department of Agriculture and Consumer Services, and 3 full-time  
1543 equivalent positions with associated salary rate of 110,441 are  
1544 authorized, for the purpose of implementing this act.

1545 Section 24. This act shall take effect July 1, 2014.