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2014 Legislature

1
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



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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; requiring material changes in
107 applications or renewal applications to be reported to
108 the department within a specified period; providing
109 violations; requiring the department to adopt rules to
110 allow applicants to engage in solicitation activities
111 on a temporary basis; authorizing the department to
112 deny or revoke a solicitor license under certain
113 circumstances; requiring certain administrative
114 proceedings to be conducted in accordance with chapter
115 120, F.S.; amending s. 496.411, F.S.; revising
116 disclosure requirements for charitable organizations
117 and sponsors; amending s. 496.412, F.S.; revising
118 disclosure requirements for professional solicitors;
119 creating s. 496.4121, F.S.; defining the term
120 "collection receptacle"; requiring collection
121 receptacles to display permanent signs or labels;
122 providing requirements for such signs or labels;
123 requiring a charitable organization or sponsor using a
124 collection receptacle to provide certain information
125 to a donor upon request; amending s. 496.415, F.S.;



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



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

165

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

167

168 Section 1. Legislative findings and declarations.—

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

173 (2) The Legislature supports the opportunity for
174 charitable or nonprofit organizations to raise funds to carry
175 out their charitable or nonprofit missions.



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

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

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

189 Section 2. Paragraph (p) of subsection (7) of section
190 212.08, Florida Statutes, is amended to read:

191 212.08 Sales, rental, use, consumption, distribution, and
192 storage tax; specified exemptions.—The sale at retail, the
193 rental, the use, the consumption, the distribution, and the
194 storage to be used or consumed in this state of the following
195 are hereby specifically exempt from the tax imposed by this
196 chapter.

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



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

215 (p) *Section 501(c)(3) organizations.*—Also exempt from the
216 tax imposed by this chapter are sales or leases to organizations
217 determined by the Internal Revenue Service to be currently
218 exempt from federal income tax pursuant to s. 501(c)(3) of the
219 Internal Revenue Code of 1986, as amended, if when such leases
220 or purchases are used in carrying on their customary nonprofit
221 activities, unless such organizations are subject to a final
222 disqualification order issued by the Department of Agriculture
223 and Consumer Services pursuant to s. 496.430.

224 Section 3. Subsection (3) of section 212.084, Florida
225 Statutes, is amended, and subsection (7) is added to that



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226 section, to read:

227 212.084 Review of exemption certificates; reissuance;
228 specified expiration date; temporary exemption certificates.—

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

240 (7) The department shall revoke a sales tax exemption
241 certificate granted to, or refuse to grant a sales tax exemption
242 certificate to, an institution, organization, or individual who
243 is the subject of a final disqualification order issued by the
244 Department of Agriculture and Consumer Services pursuant to s.
245 496.430. A revocation or denial under this subsection is subject
246 to challenge under chapter 120 only as to whether a
247 disqualification order is in effect. An institution,
248 organization, or individual who appeals the disqualification
249 order must do so pursuant to s. 496.430(2).

250 Section 4. Section 496.403, Florida Statutes, is amended



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251 to read:

252 496.403 Application.—Sections 496.401-496.424 do not apply
253 to bona fide religious institutions, educational institutions,
254 and state agencies or other government entities or persons or
255 organizations who solicit or act as professional fundraising
256 consultants solely on ~~their~~ behalf of those entities, or to
257 blood establishments as defined in s. 381.06014(1)(a). Sections
258 496.401-496.424 do not apply to political contributions
259 solicited in accordance with the election laws of this state.

260 Section 5. Section 496.404, Florida Statutes, is amended
261 to read:

262 496.404 Definitions.—As used in ss. 496.401-496.424, the
263 term:

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



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

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

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

293 (5) "Contribution" means the promise, pledge, or grant of
294 ~~any~~ money or property, financial assistance, or any other thing
295 of value in response to a solicitation. The term "Contribution"
296 includes, in the case of a charitable organization or sponsor
297 offering goods and services to the public, the difference
298 between the direct cost of the goods and services to the
299 charitable organization or sponsor and the price at which the
300 charitable organization or sponsor or a ~~any~~ person acting on



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301 | behalf of the charitable organization or sponsor resells those
302 | goods or services to the public. The term "Contribution" does
303 | not include:

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

308 | (b) ~~"Contribution" also does not include~~ Funds obtained by
309 | a charitable organization or sponsor pursuant to government
310 | grants or contracts;

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

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

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

321 | (7) ~~(6)~~ "Department" means the Department of Agriculture
322 | and Consumer Services.

323 | (8) "Disaster" means a natural, technological, or civil
324 | event, including, but not limited to, an explosion, chemical
325 | spill, earthquake, tsunami, landslide, volcanic activity,



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326 avalanche, wildfire, tornado, hurricane, drought, or flood,
327 which affects one or more countries and causes damage of
328 sufficient severity and magnitude to result in:

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

330 (b) An official request for international assistance.

331 (9)-(7)- "Division" means the Division of Consumer Services
332 of the Department of Agriculture and Consumer Services.

333 (10)-(8)- "Educational institutions" means those
334 institutions and organizations described in s. 212.08(7)(cc)8.a.
335 The term includes private nonprofit organizations, the purpose
336 of which is to raise funds for schools teaching grades
337 kindergarten through grade 12, colleges, and universities,
338 including a ~~any~~ nonprofit newspaper of free or paid circulation
339 primarily on university or college campuses which holds a
340 current exemption from federal income tax under s. 501(c)(3) of
341 the Internal Revenue Code, an ~~any~~ educational television network
342 or system established pursuant to s. 1001.25 or s. 1001.26, and
343 a ~~any~~ nonprofit television or radio station that is a part of
344 such network or system and that holds a current exemption from
345 federal income tax under s. 501(c)(3) of the Internal Revenue
346 Code. The term also includes a nonprofit educational cable
347 consortium that holds a current exemption from federal income
348 tax under s. 501(c)(3) of the Internal Revenue Code, the ~~whose~~
349 primary purpose of which is the delivery of educational and
350 instructional cable television programming and the ~~whose~~ members



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351 | of which are composed exclusively of educational organizations
352 | that hold a valid consumer certificate of exemption and that are
353 | either an educational institution as defined in this subsection
354 | or qualified as a nonprofit organization pursuant to s.
355 | 501(c)(3) of the Internal Revenue Code.

356 | (11)-(9) "Emergency service employee" means an ~~any~~ employee
357 | who is a firefighter, as defined in s. 633.102, or ambulance
358 | driver, emergency medical technician, or paramedic, as defined
359 | in s. 401.23.

360 | (12)-(10) "Federated fundraising organization" means a
361 | federation of independent charitable organizations that ~~which~~
362 | have voluntarily joined together, including, but not limited to,
363 | a united way or community chest, for purposes of raising and
364 | distributing contributions for and among themselves and where
365 | membership does not confer operating authority and control of
366 | the individual organization upon the federated group
367 | organization.

368 | (13)-(11) "Fundraising costs" means those costs incurred in
369 | inducing others to make contributions to a charitable
370 | organization or sponsor for which the contributors will receive
371 | no direct economic benefit. Fundraising costs include, but are
372 | not limited to, salaries, rent, acquiring and obtaining mailing
373 | lists, printing, mailing, and all direct and indirect costs of
374 | soliciting, as well as the cost of unsolicited merchandise sent
375 | to encourage contributions.



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376 (14)~~(12)~~ "Law enforcement officer" means a ~~any~~ person who
377 is elected, appointed, or employed by a ~~any~~ municipality or the
378 state or a ~~any~~ political subdivision thereof and:

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

383 (b) Whose responsibility includes supervision, protection,
384 care, custody, or control of inmates within a correctional
385 institution.

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

392 (16)~~(13)~~ "Membership" means the relationship of a person
393 to an organization which ~~that~~ entitles her or him to the
394 privileges, professional standing, honors, or other direct
395 benefit of the organization in addition to the right to vote,
396 elect officers, and hold office in the organization.

397 (17)~~(14)~~ "Owner" means a ~~any~~ person who has a direct or
398 indirect interest in a ~~any~~ professional fundraising consultant
399 or professional solicitor.

400 (18)~~(15)~~ "Parent organization" means that part of a



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401 | charitable organization or sponsor which coordinates,
402 | supervises, or exercises control over policy, fundraising, and
403 | expenditures or assists or advises one or more of the
404 | organization's chapters, branches, or affiliates in this state.

405 | ~~(19)-(16)~~ "Person" means an ~~any~~ individual, organization,
406 | trust, foundation, group, association, entity, partnership,
407 | corporation, or ~~society~~, or any combination thereof ~~of them~~.

408 | ~~(20)-(17)~~ "Professional fundraising consultant" means a ~~any~~
409 | person who is retained by a charitable organization or sponsor
410 | for a fixed fee or rate under a written agreement to plan,
411 | manage, conduct, carry on, advise, consult, or prepare material
412 | for a solicitation of contributions in this state, but who does
413 | not solicit contributions or employ, procure, or engage any
414 | compensated person to solicit contributions and who does not at
415 | any time have custody or control of contributions. A bona fide
416 | volunteer or bona fide employee or salaried officer of a
417 | charitable organization or sponsor maintaining a permanent
418 | establishment in this state is not a professional fundraising
419 | consultant. An attorney, investment counselor, or banker who
420 | advises an individual, corporation, or association to make a
421 | charitable contribution is not a professional fundraising
422 | consultant as the result of such advice.

423 | ~~(21)-(18)~~ "Professional solicitor" means a ~~any~~ person who,
424 | for compensation, performs for a charitable organization or
425 | sponsor a ~~any~~ service in connection with which contributions are



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

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

444 (23) ~~(19)~~ "Religious institution" means a any church,
445 ecclesiastical or denominational organization, or established
446 physical place for worship in this state at which nonprofit
447 religious services and activities are regularly conducted and
448 carried on, and includes those bona fide religious groups that
449 ~~which~~ do not maintain specific places of worship. The term
450 ~~"Religious institution"~~ also includes a any separate group or



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451 corporation that ~~which~~ forms an integral part of a religious
452 institution that ~~which~~ is exempt from federal income tax under
453 ~~the provisions of~~ s. 501(c)(3) of the Internal Revenue Code, and
454 that ~~which~~ is not primarily supported by funds solicited outside
455 its own membership or congregation.

456 ~~(24)-(20)~~ "Solicitation" means a request, directly or
457 indirectly, for money, property, financial assistance, or any
458 other thing of value on the plea or representation that such
459 money, property, financial assistance, or other thing of value
460 or a portion of it will be used for a charitable or sponsor
461 purpose or will benefit a charitable organization or sponsor.
462 The term "Solicitation" includes, but is not limited to, the
463 following methods of requesting or securing the promise, pledge,
464 or grant of money, property, financial assistance, or any other
465 thing of value:

466 (a) Making any oral or written request;

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

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

475 (d) Selling or offering or attempting to sell any



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

489
490 A solicitation is considered as having taken place regardless of
491 whether ~~or not~~ the person making the solicitation receives any
492 contribution. A solicitation does not occur when a person
493 applies for a grant or an award to the government or to an
494 organization that is exempt from federal income taxation under
495 s. 501(a) of the Internal Revenue Code and described in s.
496 501(c) of the Internal Revenue Code and is duly registered with
497 the department.

498 (25) ~~(21)~~ "Sponsor" means a group or person who ~~which~~ is or
499 holds herself or himself ~~itself~~ out to be soliciting
500 contributions by the use of a ~~any~~ name that ~~which~~ implies that



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501 | the group or person is in any way affiliated with or organized
502 | for the benefit of emergency service employees or law
503 | enforcement officers and the group or person ~~which~~ is not a
504 | charitable organization. The term includes a chapter, branch, or
505 | affiliate that ~~which~~ has its principal place of business outside
506 | the state, if such chapter, branch, or affiliate solicits or
507 | holds itself out to be soliciting contributions in this state.

508 | ~~(26)-(22)~~ "Sponsor purpose" means a ~~any~~ program or endeavor
509 | performed to benefit emergency service employees or law
510 | enforcement officers.

511 | ~~(27)-(23)~~ "Sponsor sales promotion" means an advertising or
512 | sales campaign conducted by a commercial co-venturer who
513 | represents that the purchase or use of goods or services offered
514 | by the commercial co-venturer will be used for a sponsor purpose
515 | or donated to a sponsor. The provision of advertising services
516 | to a sponsor does not, in itself, constitute a sponsor sales
517 | promotion.

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

523 | 496.405 Registration statements by charitable
524 | organizations and sponsors.—

525 | ~~(1)-(a)~~ A charitable organization or sponsor, unless



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

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

544 | (b) Any changes to the information submitted to the
545 | department pursuant to paragraph (2) (d) on the initial
546 | registration statement or the last renewal statement must be
547 | reported to the department on a form prescribed by the
548 | department within 10 days after the change occurs.

549 | (c) A charitable organization or sponsor that is required
550 | to file an initial registration statement or annual renewal



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551 statement may not, before ~~prior to~~ approval of its statement by
552 the department in accordance with subsection (7), solicit
553 contributions or have contributions solicited on its behalf by
554 any other person, charitable organization, sponsor, commercial
555 co-venturer, or professional solicitor, ~~or participate in a~~
556 charitable sales promotion or sponsor sales promotion.

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

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

564 1. After the date the charitable organization or sponsor
565 should have filed, but failed to file, its renewal statement
566 financial report in accordance with this section.

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

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



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

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

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

596 2. The names and street addresses of the officers,
597 directors, trustees, and ~~the~~ principal salaried executive
598 personnel.

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



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601 4. A list or description of the major program activities.
602 5. The names, street addresses, and telephone numbers of
603 the individuals or officers who have final responsibility for
604 the custody of the contributions and who will be responsible for
605 the final distribution of the contributions.

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



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626 branch, or affiliate of the parent organization, including all
627 contributions received in the name of each chapter, branch, or
628 affiliate; all payments made to each chapter, branch, or
629 affiliate; and all administrative fees assessed to each chapter,
630 branch, or affiliate. A copy of Internal Revenue Service Form
631 990 and all attached schedules filed for the preceding fiscal
632 year, or a copy of Internal Revenue Service Form 990-EZ and
633 Schedule O for the preceding fiscal year, for the parent
634 organization and each Florida chapter, branch, or affiliate that
635 is required to file such forms must be attached to the
636 consolidated financial statement.

637 (4)

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

644 (7) (a) The department must examine each initial
645 registration statement or annual renewal statement and the
646 supporting documents filed by a charitable organization or
647 sponsor and shall determine whether the registration
648 requirements are satisfied. Within 15 business ~~working~~ days
649 after its receipt of a statement, the department must examine
650 the statement, notify the applicant of any apparent errors or



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651 omissions, and request any additional information the department
652 is allowed by law to require. Failure to correct an error or
653 omission or to supply additional information is not grounds for
654 denial of the initial registration or annual renewal statement
655 unless the department has notified the applicant within the 15-
656 business-day ~~15-working-day~~ period. The department must approve
657 or deny each statement, or must notify the applicant that the
658 activity for which she or he seeks registration is exempt from
659 the registration requirement, within 15 business ~~working~~ days
660 after receipt of the initial registration or annual renewal
661 statement or the requested additional information or correction
662 of errors or omissions. ~~A~~ Any statement that is not approved or
663 denied within 15 business ~~working~~ days after receipt of the
664 requested additional information or correction of errors or
665 omissions is approved. Within 7 business ~~working~~ days after
666 receipt of a notification that the registration requirements are
667 not satisfied, the charitable organization or sponsor may
668 request a hearing. The hearing must be held within 7 business
669 ~~working~~ days after receipt of the request, and any recommended
670 order, if one is issued, must be rendered within 3 business
671 ~~working~~ days after ~~of~~ the hearing. The final order must then be
672 issued within 2 business ~~working~~ days after the recommended
673 order. If a recommended order is not issued, the final order
674 must be issued within 5 business ~~working~~ days after the hearing.
675 The proceedings must be conducted in accordance with chapter



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676 120, except that the time limits and provisions set forth in
677 this paragraph ~~subsection~~ prevail to the extent of any conflict.

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

689 (8) A ~~Ne~~ charitable organization or sponsor, or an
690 officer, director, trustee, or employee thereof, may not ~~shall~~
691 knowingly allow an officer, director, trustee, or employee of
692 the charitable organization or sponsor ~~any of its officers,~~
693 directors, trustees, or employees to solicit contributions on
694 behalf of such charitable organization or sponsor if such
695 officer, director, trustee, or employee has, in any state,
696 regardless of adjudication, been convicted of, been ~~or~~ found
697 guilty of, or pled guilty or nolo contendere to, or has been
698 incarcerated within the last 10 years as a result of having
699 previously been convicted of, been ~~or~~ found guilty of, or pled
700 guilty or nolo contendere to, a ~~any~~ felony within the last 10



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701 | years or ~~a any~~ crime within the last 10 years involving fraud,
702 | theft, larceny, embezzlement, fraudulent conversion,
703 | misappropriation of property, or ~~a any~~ crime arising from the
704 | conduct of a solicitation for a charitable organization or
705 | sponsor, or has been enjoined in any state from violating a any
706 | law relating to a charitable solicitation. The prohibitions in
707 | this subsection also apply to a misdemeanor in another state
708 | which constitutes a disqualifying felony in this state.

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

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

720 | Section 7. Section 496.4055, Florida Statutes, is created
721 | to read:

722 | 496.4055 Charitable organization or sponsor board duties.—

723 | (1) As used in this section, the term "conflict of
724 | interest transaction" means a transaction between a charitable
725 | organization or sponsor and another party in which a director,



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726 officer, or trustee of the charitable organization or sponsor
727 has a direct or indirect financial interest. The term includes,
728 but is not limited to, the sale, lease, or exchange of property
729 to or from the charitable organization or sponsor; the lending
730 of moneys to or borrowing of moneys from the charitable
731 organization or sponsor; and the payment of compensation for
732 services provided to or from the charitable organization or
733 sponsor.

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

743 Section 8. Section 496.407, Florida Statutes, is amended
744 to read:

745 496.407 Financial statement ~~report~~.—

746 (1) A charitable organization or sponsor that is required
747 to initially register or annually renew registration must file
748 an annual financial statement ~~report~~ for the immediately
749 preceding fiscal year on ~~upon~~ a form prescribed by the
750 department.



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- 751 (a) The statement ~~report~~ must include the following:
- 752 1.~~(a)~~ A balance sheet.
- 753 2.~~(b)~~ A statement of support, revenue and expenses, and
754 any change in the fund balance.
- 755 3.~~(c)~~ The names and addresses of the charitable
756 organizations or sponsors, professional fundraising consultant,
757 professional solicitors, and commercial co-venturers used, if
758 any, and the amounts received therefrom ~~from each of them~~, if
759 any.
- 760 4.~~(d)~~ A statement of functional expenses that must
761 include, but is not ~~be~~ limited to, expenses in the following
762 categories:
- 763 a.1. Program service costs.
- 764 b.2. Management and general costs.
- 765 c.3. Fundraising costs.
- 766 (b) The financial statement must be audited or reviewed as
767 follows:
- 768 1. For a charitable organization or sponsor that receives
769 less than \$500,000 in annual contributions, a compilation,
770 audit, or review of the financial statement is optional.
- 771 2. For a charitable organization or sponsor that receives
772 at least \$500,000 but less than \$1 million in annual
773 contributions, the financial statement shall be reviewed or
774 audited by an independent certified public accountant.
- 775 3. For a charitable organization or sponsor that receives



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776 \$1 million or more in annual contributions, the financial
777 statement shall be audited by an independent certified public
778 accountant.

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

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

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

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

790 (2)(a) In lieu of the financial ~~statement report~~ described
791 in subsection (1), a charitable organization or sponsor may
792 submit a copy of its Internal Revenue Service Form 990 and all
793 attached schedules filed for the preceding fiscal year, or a
794 copy of its Internal Revenue Service Form 990-EZ and Schedule O
795 filed for the preceding fiscal year. A charitable organization
796 or sponsor that submits such forms or schedules may redact
797 information that is not subject to public inspection pursuant to
798 26 U.S.C. s. 6104(d)(3) before submission.

799 (b) Forms and schedules described in paragraph (a)
800 submitted by a charitable organization or sponsor that receives



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801 \$500,000 or more in annual contributions must be prepared by a
802 certified public accountant or another professional who prepares
803 such forms or schedules in the ordinary course of his or her
804 business.

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

812 (4) The department may require that an audit or review be
813 conducted for any financial statement submitted by a charitable
814 organization or sponsor if the department finds any
815 discrepancies, which may include, but are not limited to,
816 irregular or inconsistent information, in the charitable
817 organization's or sponsor's financial statement. A charitable
818 ~~organization or sponsor may elect to also include a financial~~
819 ~~report that has been audited by an independent certified public~~
820 ~~accountant or an audit with opinion by an independent certified~~
821 ~~public accountant. In the event that a charitable organization~~
822 ~~or sponsor elects to file an audited financial report, this~~
823 ~~optional filing must be noted in the department's annual report~~
824 ~~submitted pursuant to s. 496.423.~~

825 Section 9. Section 496.4071, Florida Statutes, is created



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826 to read:

827 496.4071 Supplemental financial disclosure.-

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

836 (a) The dollar amount and the percentage of total revenue
837 and charitable contributions allocated to funding each of the
838 following administrative functions:

839 1. Total salaries of all persons employed by the
840 charitable organization or sponsor.

841 2. Fundraising, including the names of any professional
842 solicitors, amounts paid to professional solicitors, and
843 contributions received from professional solicitors' campaigns.

844 3. Travel expenses.

845 4. Overhead and other expenses related to managing and
846 administering the charitable organization or sponsor.

847 (b) The names of and specific sums earned by or paid to
848 all employees or consultants who earned or were paid more than
849 \$100,000 during the immediately preceding fiscal year.

850 (c) The names of and specific sums paid to all service



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851 providers who were paid more than \$100,000 during the
852 immediately preceding fiscal year and a brief description of the
853 services provided.

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

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

872 (f) Any additional clarifying information.

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



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876 receiving a request for such information from the department.

877 Section 10. Section 496.4072, Florida Statutes, is created
878 to read:

879 496.4072 Financial statements for specific disaster relief
880 solicitations.—

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

890 (2) The first quarterly statement shall be filed on the
891 last day of the 3rd month following the accrual of at least
892 \$50,000 in contributions after the commencement of solicitations
893 for the specific disaster or crisis. The charitable organization
894 or sponsor shall continue to file quarterly statements with the
895 department until the quarter after all contributions raised in
896 response to the solicitation are expended.

897 (3) The department shall post notice on its website of
898 each disaster or crisis subject to the reporting requirements of
899 this section within 10 days after the disaster or crisis.

900 (4) A charitable organization or sponsor that has been



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901 registered with the department for at least 4 consecutive years
902 immediately before soliciting contributions for a charitable
903 purpose related to a specific disaster or crisis is exempt from
904 the reporting requirements of this section.

905 Section 11. Subsections (4), (6), and (9) of section
906 496.409, Florida Statutes, are amended, and subsection (10) is
907 added to that section, to read:

908 496.409 Registration and duties of professional
909 fundraising consultant.—

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

923 (6) (a) The department shall examine each registration
924 statement and all supporting documents filed by a professional
925 fundraising consultant and determine whether the registration



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

944 (b) If a professional fundraising consultant discloses
945 information specified in paragraphs (2)(e)-(g) in the initial
946 application for registration or renewal application, the time
947 limits set forth in paragraph (a) are waived, and the department
948 shall process the initial application for registration or the
949 renewal application in accordance with the time limits set forth
950 in chapter 120. The registration of a professional consultant



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951 shall be automatically suspended for failure to disclose any
952 information specified in paragraphs (2)(e)-(g) until such time
953 as the required information is submitted to the department.

954 (9) A ~~Ne~~ person may not act as a professional fundraising
955 consultant, and a ~~ne~~ professional fundraising consultant, or an
956 officer, director, trustee, or employee thereof, may not shall
957 knowingly employ an ~~any~~ officer, trustee, director, or employee,
958 if such person has, in any state, regardless of adjudication,
959 been convicted of, been ~~or~~ found guilty of, or pled guilty or
960 nolo contendere to, or has been incarcerated within the last 10
961 years as a result of having previously been convicted of, been
962 ~~or~~ found guilty of, or pled guilty or nolo contendere to, a ~~any~~
963 crime within the last 10 years involving fraud, theft, larceny,
964 embezzlement, fraudulent conversion, or misappropriation of
965 property, or a ~~any~~ crime arising from the conduct of a
966 solicitation for a charitable organization or sponsor, or has
967 been enjoined in any state from violating a ~~any~~ law relating to
968 a charitable solicitation.

969 (10) The department may deny or revoke the registration of
970 a professional fundraising consultant if the professional
971 fundraising consultant, or any of its officers, directors, or
972 trustees, has had the right to solicit contributions revoked in
973 any state or has been ordered by a court or governmental agency
974 to cease soliciting contributions within any state.

975 Section 12. Paragraph (i) of subsection (2) and



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

981 496.410 Registration and duties of professional
982 solicitors.—

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

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

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

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

1000 (l) A copy of sales information or literature provided to



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1001 | a donor or potential donor by the applicant in connection with a
1002 | solicitation.

1003 | (3) The application for registration must be accompanied
1004 | by a fee of \$300. ~~A professional solicitor that is a partnership~~
1005 | ~~or corporation may register for and pay a single fee on behalf~~
1006 | ~~of all of its partners, members, officers, directors, agents,~~
1007 | ~~and employees. In that case,~~ The names and street addresses of
1008 | all the officers, employees, and agents of the professional
1009 | solicitor and all other persons with whom the professional
1010 | solicitor has contracted to work under its direction, including
1011 | solicitors, must be listed in the application or furnished to
1012 | the department within 5 days after the date of employment or
1013 | contractual arrangement. Each registration is valid for 1 year
1014 | and. ~~The registration~~ may be renewed for an additional 1-year
1015 | period upon application to the department and payment of the
1016 | registration fee.

1017 | (5) (a) The department must examine each registration
1018 | statement and supporting documents filed by a professional
1019 | solicitor. If the department determines that the registration
1020 | requirements are not satisfied, the department must notify the
1021 | professional solicitor within 15 business ~~working~~ days after its
1022 | receipt of the registration statement; otherwise the
1023 | registration statement is approved. Within 7 business ~~working~~
1024 | days after receipt of a notification that the registration
1025 | requirements are not satisfied, the applicant may request a



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

1036 (b) If a professional solicitor discloses information
1037 specified in paragraphs (2) (f)-(h) in the initial application
1038 for registration or the renewal application, the time limits set
1039 forth in paragraph (a) are waived, and the department shall
1040 process the initial application for registration or renewal
1041 application in accordance with the time limits set forth in
1042 chapter 120. The registration of a professional solicitor shall
1043 be automatically suspended for failure to disclose any
1044 information specified in paragraphs (2) (f)-(h) until such time
1045 as the required information is submitted to the department.

1046 (6) No less than 15 days before commencing any
1047 solicitation campaign or event, the professional solicitor must
1048 file with the department a solicitation notice on a form
1049 prescribed by the department. The notice must be signed and
1050 sworn to by the contracting officer of the professional



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1051 solicitor and must include:

1052 (i) A statement of the guaranteed minimum percentage of
1053 the gross receipts from contributions which will be remitted to
1054 the charitable organization or sponsor, if any, or, if the
1055 solicitation involves the sale of goods, services, or tickets to
1056 a fundraising event, the percentage of the purchase price which
1057 will be remitted to the charitable organization or sponsor, if
1058 any.

1059 (j) The percentage of a contribution which may be deducted
1060 as a charitable contribution under federal income tax laws.

1061 (k) A statement as to whether an owner, director, officer,
1062 trustee, or employee of the professional solicitor is related as
1063 a parent, spouse, child, sibling, grandparent, grandchild,
1064 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
1065 mother-in-law, or father-in-law to:

1066 1. Another officer, director, owner, trustee, or employee
1067 of the professional solicitor.

1068 2. An officer, director, owner, trustee, or employee of a
1069 charitable organization or sponsor under contract with the
1070 professional solicitor.

1071 3. A supplier or vendor providing goods or services to a
1072 charitable organization or sponsor under contract with the
1073 professional solicitor.

1074 (l) The beginning and ending dates of the solicitation
1075 campaign.



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1076 (m) A copy of any script, outline, or presentation used by
1077 the professional solicitor to solicit contributions for the
1078 solicitation campaign or, if such solicitation aids are not
1079 used, written confirmation thereof.

1080 (n) A copy of sales information or literature provided to
1081 a donor or potential donor by the professional solicitor in
1082 connection with the solicitation campaign.

1083 (7) A professional solicitor may enter into a contract or
1084 agreement with a charitable organization or sponsor only if the
1085 charitable organization or sponsor has complied with all
1086 applicable provisions of this chapter. A ~~Each~~ contract or
1087 agreement between a professional solicitor and a charitable
1088 organization or sponsor for each solicitation campaign must be
1089 in writing, signed by two authorized officials of the charitable
1090 organization or sponsor, one of whom must be a member of the
1091 organization's governing body and one of whom must be the
1092 authorized contracting officer for the professional solicitor,
1093 and contain all of the following provisions:

1094 (a) A statement of the charitable or sponsor purpose and
1095 program for which the solicitation campaign is being conducted.

1096 (b) A statement of the respective obligations of the
1097 professional solicitor and the charitable organization or
1098 sponsor.

1099 (c) A statement of the guaranteed minimum percentage of
1100 the gross receipts from contributions which will be remitted to



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1101 | the charitable organization or sponsor, if any, or, if the
 1102 | solicitation involves the sale of goods, services, or tickets to
 1103 | a fundraising event, the percentage of the purchase price which
 1104 | will be remitted to the charitable organization or sponsor, if
 1105 | any. Any stated percentage shall exclude any amount which the
 1106 | charitable organization or sponsor is to pay as fundraising
 1107 | costs.

1108 | (d) A statement of the percentage of the gross revenue
 1109 | which the professional solicitor will be compensated. If the
 1110 | compensation of the professional solicitor is not contingent
 1111 | upon the number of contributions or the amount of revenue
 1112 | received, his or her compensation shall be expressed as a
 1113 | reasonable estimate of the percentage of the gross revenue, and
 1114 | the contract must clearly disclose the assumptions upon which
 1115 | the estimate is based. The stated assumptions must be based upon
 1116 | all of the relevant facts known to the professional solicitor
 1117 | regarding the solicitation to be conducted by the professional
 1118 | solicitor.

1119 | (e) The effective and termination dates of the contract.

1120 | (14) A ~~Ne~~ person may not act as a professional solicitor,
 1121 | and a ~~ne~~ professional solicitor, or an officer, director,
 1122 | trustee, or employee thereof, may not shall, to solicit for
 1123 | compensation, knowingly employ an ~~any~~ officer, trustee,
 1124 | director, or employee, or a ~~any~~ person with a controlling
 1125 | interest therein, who has, in any state, regardless of



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

1138 (15) The department may deny or revoke the registration of
1139 a professional solicitor if the professional solicitor, or any
1140 of its officers, directors, trustees, or agents, has had the
1141 right to solicit contributions revoked in any state or has been
1142 ordered by a court or governmental agency to cease soliciting
1143 contributions within any state.

1144 (16) ~~(15)~~ All registration fees must be paid to the
1145 department and deposited into the General Inspection Trust Fund.

1146 Section 13. Section 496.4101, Florida Statutes, is created
1147 to read:

1148 496.4101 Licensure of professional solicitors and certain
1149 employees thereof.—

1150 (1) Each officer, director, trustee, or owner of a



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1151 professional solicitor and any employee of a professional
1152 solicitor conducting telephonic solicitations during which a
1153 donor's or potential donor's personal financial information is
1154 requested or provided must, before engaging in solicitation
1155 activities, obtain a solicitor license from the department. As
1156 used in this subsection, the term "personal financial
1157 information" includes, but is not limited to, social security
1158 numbers, credit card numbers, banking information, and credit
1159 reports.

1160 (2) Persons required to obtain a solicitor license under
1161 subsection (1) shall submit to the department, in such form as
1162 the department prescribes, an application for a solicitor
1163 license. The application must include the following information:

1164 (a) The true name, date of birth, unique identification
1165 number of a driver license or other valid form of
1166 identification, and home address of the applicant.

1167 (b) Whether the applicant, in any state, regardless of
1168 adjudication, has previously been convicted of, been found
1169 guilty of, or pled guilty or nolo contendere to, or has been
1170 incarcerated within the last 10 years as a result of having
1171 previously been convicted of, been found guilty of, or pled
1172 guilty or nolo contendere to, a crime within the last 10 years
1173 involving fraud, theft, larceny, embezzlement, fraudulent
1174 conversion, or misappropriation of property, or a crime arising
1175 from the conduct of a solicitation for a charitable organization



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1176 or sponsor, or has been enjoined in any state from violating a
1177 law relating to a charitable solicitation.

1178 (c) Whether the applicant, in any state, is involved in
1179 pending litigation or has had entered against her or him an
1180 injunction, a temporary restraining order, or a final judgment
1181 or order, including a stipulated judgment or order, an assurance
1182 of voluntary compliance, a cease and desist order, or any
1183 similar document, in any civil or administrative action
1184 involving fraud, theft, larceny, embezzlement, fraudulent
1185 conversion, or misappropriation of property, or has been
1186 enjoined from violating any law relating to a charitable
1187 solicitation.

1188 (3) (a) An applicant shall submit a complete set of his or
1189 her fingerprints to an agency, entity, or vendor authorized by
1190 s. 943.053(13). The fingerprints shall be forwarded to the
1191 Department of Law Enforcement for state processing, and the
1192 Department of Law Enforcement shall forward them to the Federal
1193 Bureau of Investigation for national processing.

1194 (b) Fees for state and federal fingerprint processing and
1195 fingerprint retention fees shall be borne by the applicant. The
1196 state cost for fingerprint processing is that authorized in s.
1197 943.053(3) (b) for records provided to persons or entities other
1198 than those specified as exceptions therein.

1199 (c) All fingerprints submitted to the Department of Law
1200 Enforcement as required under this subsection shall be retained



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1201 by the Department of Law Enforcement as provided under s.
1202 943.05(2)(g) and (h) and enrolled in the Federal Bureau of
1203 Investigation's national retained print arrest notification
1204 program. Fingerprints shall not be enrolled in the national
1205 retained print arrest notification program until the Department
1206 of Law Enforcement begins participation with the Federal Bureau
1207 of Investigation. Arrest fingerprints will be searched against
1208 the retained prints by the Department of Law Enforcement and the
1209 Federal Bureau of Investigation.

1210 (d) For any renewal of the applicant's license, the
1211 department shall request the Department of Law Enforcement to
1212 forward the retained fingerprints of the applicant to the
1213 Federal Bureau of Investigation unless the applicant is enrolled
1214 in the national retained print arrest notification program
1215 described in paragraph (c). The fee for the national criminal
1216 history check shall be paid as part of the renewal process to
1217 the department and forwarded by the department to the Department
1218 of Law Enforcement. If the applicant's fingerprints are retained
1219 in the national retained print arrest notification program, the
1220 applicant shall pay the state and national retention fee to the
1221 department, which shall forward the fee to the Department of Law
1222 Enforcement.

1223 (e) The department shall notify the Department of Law
1224 Enforcement regarding any person whose fingerprints have been
1225 retained but who is no longer licensed under this chapter.



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- 1226 (f) The department shall screen background results to
1227 determine whether an applicant meets licensure requirements.
- 1228 (4) A solicitor license must be renewed annually by the
1229 submission of a renewal application. A solicitor license that is
1230 not renewed expires without further action by the department.
- 1231 (5) Any material change to the information submitted to
1232 the department in the initial application or renewal application
1233 for a solicitor license shall be reported to the department by
1234 the applicant or licensee within 10 days after the change
1235 occurs.
- 1236 (6) It is a violation of this chapter:
- 1237 (a) For an applicant to provide inaccurate or incomplete
1238 information to the department in the initial or renewal
1239 application for a solicitor license.
- 1240 (b) For a person specified in subsection (1) to fail to
1241 maintain a solicitor license as required by this section.
- 1242 (c) For a professional solicitor to allow, require,
1243 permit, or authorize an employee without an active solicitor
1244 license issued under this section to conduct telephonic
1245 solicitations.
- 1246 (7) The department shall adopt rules that allow applicants
1247 to engage in solicitation activities on a temporary basis until
1248 such time as a solicitor license is granted or denied.
- 1249 (8) The department may deny or revoke a solicitor license
1250 if the applicant or licensee has had the right to solicit



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1251 contributions revoked in any state, has been ordered by a court
 1252 or governmental agency to cease soliciting contributions within
 1253 any state, or is subject to any disqualification specified in s.
 1254 496.410(14).

1255 (9) Any administrative proceeding that could result in
 1256 entry of an order under this section shall be conducted in
 1257 accordance with chapter 120.

1258 Section 14. Subsections (2), (3), and (6) of section
 1259 496.411, Florida Statutes, are amended to read:

1260 496.411 Disclosure requirements and duties of charitable
 1261 organizations and sponsors.—

1262 (2) A charitable organization or sponsor soliciting in
 1263 this state must include all of the following disclosures at the
 1264 point of solicitation:

1265 (a) The name of the charitable organization or sponsor and
 1266 state of the principal place of business of the charitable
 1267 organization or sponsor.†

1268 (b) A description of the purpose or purposes for which the
 1269 solicitation is being made.†

1270 (c) Upon request, the name and either the address or
 1271 telephone number of a representative to whom inquiries may ~~could~~
 1272 be addressed.†

1273 (d) Upon request, the amount of the contribution which may
 1274 be deducted as a charitable contribution under federal income
 1275 tax laws.†



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1276 (e) Upon request, the source from which a written
1277 financial statement may be obtained. Such financial statement
1278 must be for the immediate preceding ~~past~~ fiscal year and must be
1279 consistent with the annual financial statement ~~report~~ filed
1280 under s. 496.407. The written financial statement must be
1281 provided within 14 days after the request and must state the
1282 purpose for which funds are raised, the total amount of all
1283 contributions raised, the total costs and expenses incurred in
1284 raising contributions, the total amount of contributions
1285 dedicated to the stated purpose or disbursed for the stated
1286 purpose, and whether the services of another person or
1287 organization have been contracted to conduct solicitation
1288 activities.

1289 (3) Every charitable organization or sponsor that ~~which~~ is
1290 required to register under s. 496.405 or is exempt under s.
1291 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~
1292 ~~letters~~ the following statement on every ~~printed~~ solicitation,
1293 ~~written~~ confirmation, receipt, or reminder of a contribution:
1294

1295 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
1296 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1297 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1298 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1299 APPROVAL, OR RECOMMENDATION BY THE STATE."
1300



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1301 The statement must include a toll-free number and website for
 1302 the division which ~~that~~ can be used to obtain the registration
 1303 information. If ~~When~~ the solicitation consists of more than one
 1304 piece, the statement must be displayed prominently in the
 1305 solicitation materials. If the solicitation occurs on a website,
 1306 the statement must be conspicuously displayed on any webpage
 1307 that identifies a mailing address where contributions are to be
 1308 sent, identifies a telephone number to call to process
 1309 contributions, or provides for online processing of
 1310 contributions.

1311 (6) Each charitable organization or sponsor that is
 1312 required to register under s. 496.405 shall conspicuously
 1313 display the organization ~~organization's~~ or sponsor's
 1314 registration number issued by the department under this chapter
 1315 on every printed solicitation, written confirmation, receipt, or
 1316 reminder of a contribution. If the solicitation consists of more
 1317 than a single item, the statement shall be displayed prominently
 1318 in the solicitation materials.

1319 Section 15. Subsection (1) of section 496.412, Florida
 1320 Statutes, is amended to read:

1321 496.412 Disclosure requirements and duties of professional
 1322 solicitors.—

1323 (1) A professional solicitor must comply with and be
 1324 responsible for complying or causing compliance with the
 1325 following disclosures:



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1326 (a) Before ~~Prior to~~ orally requesting a contribution, or
1327 contemporaneously with a written request for a contribution, a
1328 professional solicitor must clearly disclose:

1329 1. The name of the professional solicitor as on file with
1330 the department.

1331 2. If the individual acting on behalf of the professional
1332 solicitor identifies himself or herself by name, the
1333 individual's legal name.

1334 3. The name and state of the principal place of business
1335 of the charitable organization or sponsor and a description of
1336 how the contributions raised by the solicitation will be used
1337 for a charitable or sponsor purpose~~r~~ or, if there is no
1338 charitable organization or sponsor, a description as to how the
1339 contributions raised by the solicitation will be used for a
1340 charitable or sponsor purpose.

1341 (b) In the case of a solicitation campaign conducted
1342 orally, whether by telephone or otherwise, any written
1343 confirmation, receipt, or reminder sent to any person who has
1344 contributed or has pledged to contribute~~r~~, shall include a clear
1345 disclosure of the information required by paragraph (a).

1346 (c) In addition to the information required by paragraph
1347 (a), any written confirmation, receipt, or reminder of
1348 contribution made pursuant to an oral solicitation and any
1349 ~~written~~ solicitation shall conspicuously state ~~in capital~~
1350 ~~letters~~:



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1351
1352 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
1353 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1354 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1355 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1356 APPROVAL, OR RECOMMENDATION BY THE STATE."
1357
1358 The statement must include a toll-free number and website for
1359 the division which ~~that~~ can be used to obtain the registration
1360 information. If ~~When~~ the solicitation consists of more than one
1361 piece, the statement must be displayed prominently in the
1362 solicitation materials. If the solicitation occurs on a website,
1363 the statement must be conspicuously displayed on any webpage
1364 that identifies a mailing address where contributions are to be
1365 sent, identifies a telephone number to call to process
1366 contributions, or provides for online processing of
1367 contributions.
1368 (d) If requested by the person being solicited, the
1369 professional solicitor shall inform that person in writing,
1370 within 14 days after ~~of~~ the request, of the fixed percentage of
1371 the gross revenue or the reasonable estimate of the percentage
1372 of the gross revenue that the charitable organization or sponsor
1373 will receive as a benefit from the solicitation campaign or
1374 shall immediately notify the person being solicited that the
1375 information is available on the department's website or by



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1376 calling the division's toll-free number.

1377 (e) If requested by the person being solicited, the
1378 professional solicitor shall inform that person in writing,
1379 within 14 days after ~~of~~ the request, of the percentage of the
1380 contribution which may be deducted as a charitable contribution
1381 under federal income tax laws or shall immediately notify the
1382 person being solicited that the information is available on the
1383 department's website or by calling the division's toll-free
1384 number.

1385 Section 16. Section 496.4121, Florida Statutes, is created
1386 to read:

1387 496.4121 Collection receptacles used for donations.-

1388 (1) As used in this section, the term "collection
1389 receptacle" means a receptacle used to collect donated clothing,
1390 household items, or other goods for resale.

1391 (2) A collection receptacle must display a permanent sign
1392 or label on each side which contains the following information
1393 printed in letters that are at least 3 inches in height and no
1394 less than one-half inch in width, in a color that contrasts with
1395 the color of the collection receptacle:

1396 (a) For a collection receptacle used by a person required
1397 to register under this chapter, the name, business address,
1398 telephone number, and registration number of the charitable
1399 organization or sponsor for whom the solicitation is made.

1400 (b) For a collection receptacle placed or maintained in



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1401 public view by a person not required to register under this
1402 chapter or by a person not claiming an exemption pursuant to s.
1403 496.406, the name, telephone number, and physical address of the
1404 business conducting the solicitation and the statement: "This is
1405 not a charity. Donations made here support a for-profit business
1406 and are not tax deductible."

1407 (3) Upon request, a charitable organization or sponsor
1408 using a collection receptacle must provide the donor with
1409 documentation of its tax-exempt status and the registration
1410 issued under this chapter.

1411 Section 17. Subsection (2) of section 496.415, Florida
1412 Statutes, is amended, and subsection (18) is added to that
1413 section, to read:

1414 496.415 Prohibited acts.—It is unlawful for any person in
1415 connection with the planning, conduct, or execution of any
1416 solicitation or charitable or sponsor sales promotion to:

1417 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate
1418 information in a document that is filed with the department,
1419 provided to the public, or offered in response to a request or
1420 investigation by the department, the Department of Legal
1421 Affairs, or the state attorney.

1422 (18) Fail to remit to a charitable organization or sponsor
1423 the disclosed guaranteed minimum percentage of gross receipts
1424 from contributions as required under s. 496.410(7)(c) or, if the
1425 solicitation involved the sale of goods, services, or tickets to



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1426 a fundraising event, the percentage of the purchase price as
 1427 agreed in the contract or agreement as required under this
 1428 chapter.

1429 Section 18. Subsection (5) of section 496.419, Florida
 1430 Statutes, is amended to read:

1431 496.419 Powers of the department.—

1432 (5) Upon a finding as set forth in subsection (4), the
 1433 department may enter an order doing one or more of the
 1434 following:

1435 (a) Issuing a notice of noncompliance pursuant to s.
 1436 120.695;

1437 (b) Issuing a cease and desist order that directs that the
 1438 person cease and desist specified fundraising activities;

1439 (c) Refusing to register or canceling or suspending a
 1440 registration;

1441 (d) Placing the registrant on probation for a period of
 1442 time, subject to such conditions as the department may specify;

1443 (e) Canceling an exemption granted under s. 496.406; ~~and~~

1444 (f) Except as provided in paragraph (g), imposing an
 1445 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or
 1446 omission that ~~which~~ constitutes a violation of ss. 496.401-
 1447 496.424 or s. 496.426 or a rule or order. With respect to a s.
 1448 501(c)(3) organization, the penalty imposed pursuant to this
 1449 subsection may ~~shall~~ not exceed \$500 per violation for failure
 1450 to register under s. 496.405 or file for an exemption under s.



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1451 496.406(2). The penalty shall be the entire amount per violation
 1452 and is not ~~to be interpreted as~~ a daily penalty; and

1453 (g) Imposing an administrative fine not to exceed \$10,000
 1454 for a violation of this chapter that involves fraud or
 1455 deception.

1456 Section 19. Section 496.4191, Florida Statutes, is created
 1457 to read:

1458 496.4191 Additional penalty; immediate suspension.—Upon
 1459 notification and subsequent written verification by a law
 1460 enforcement agency, a court, a state attorney, or the Department
 1461 of Law Enforcement, the department shall immediately suspend a
 1462 registration or the processing of an application for a
 1463 registration if the registrant, applicant, or an officer or
 1464 director of the registrant or applicant is formally charged with
 1465 a crime involving fraud, theft, larceny, embezzlement, or
 1466 fraudulent conversion or misappropriation of property or a crime
 1467 arising from the conduct of a solicitation for a charitable
 1468 organization or sponsor until final disposition of the case or
 1469 removal or resignation of that officer or director.

1470 Section 20. Section 496.430, Florida Statutes, is created
 1471 to read:

1472 496.430 Disqualification for certain tax exemptions.—

1473 (1) In addition to the penalties provided for in s.
 1474 496.419(5), the department may issue an order to disqualify a
 1475 charitable organization or sponsor from receiving any sales tax



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1476 exemption certificate issued by the Department of Revenue if the
1477 department finds a violation of s. 496.419(4).

1478 (2) A charitable organization or sponsor may appeal a
1479 disqualification order by requesting a hearing within 21 days
1480 after notification from the department that it has issued a
1481 disqualification order under this section. The hearing must be
1482 conducted in accordance with chapter 120.

1483 (3) A disqualification order issued by the department
1484 pursuant to this section is effective for 1 year after such
1485 order becomes final. After the expiration of a final
1486 disqualification order, a charitable organization or sponsor may
1487 apply to the Department of Revenue for a sales tax exemption
1488 certificate.

1489 (4) The department shall provide a disqualification order
1490 to the Department of Revenue within 30 days after such order
1491 becomes final. A final disqualification order is conclusive as
1492 to the charitable organization or sponsor's entitlement to a
1493 sales tax exemption. The Department of Revenue shall revoke a
1494 sales tax exemption certificate granted to, or refuse to grant a
1495 sales tax exemption certificate to, a charitable organization or
1496 sponsor subject to a final disqualification order within 30 days
1497 after receiving such disqualification order. A charitable
1498 organization or sponsor may not appeal or challenge the
1499 revocation or denial of a sales tax exemption certificate by the
1500 Department of Revenue if such revocation or denial is based upon



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1501 | a final disqualification order issued pursuant to this section.

1502 | Section 21. Paragraph (a) of subsection (3) of section
1503 | 741.0305, Florida Statutes, is amended to read:

1504 | 741.0305 Marriage fee reduction for completion of
1505 | premarital preparation course.—

1506 | (3)(a) All individuals electing to participate in a
1507 | premarital preparation course shall choose from the following
1508 | list of qualified instructors:

1509 | 1. A psychologist licensed under chapter 490.
1510 | 2. A clinical social worker licensed under chapter 491.
1511 | 3. A marriage and family therapist licensed under chapter
1512 | 491.

1513 | 4. A mental health counselor licensed under chapter 491.

1514 | 5. An official representative of a religious institution
1515 | which is recognized under s. 496.404(23) ~~496.404(19)~~, if the
1516 | representative has relevant training.

1517 | 6. Any other provider designated by a judicial circuit,
1518 | including, but not limited to, school counselors who are
1519 | certified to offer such courses. Each judicial circuit may
1520 | establish a roster of area course providers, including those who
1521 | offer the course on a sliding fee scale or for free.

1522 | Section 22. If any provision of this act or its
1523 | application to any person or circumstance is held invalid, the
1524 | invalidity does not affect other provisions or applications of
1525 | the act which can be given effect without the invalid provision



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1526 or application, and to this end the provisions of this act are
 1527 severable.

1528 Section 23. For the 2014-2015 fiscal year, the sums of
 1529 \$179,944 in recurring funds and \$235,584 in nonrecurring funds
 1530 from General Revenue are appropriated to the Department of
 1531 Agriculture and Consumer Services, and 3 full-time equivalent
 1532 positions with associated salary rate of 110,441 are authorized,
 1533 for the purpose of implementing this act.

1534 Section 24. This act shall take effect July 1, 2014.