

1 A bill to be entitled
2 An act relating to consumer protection;
3 amending s. 213.053, F.S.; authorizing the
4 Department of Revenue to provide certain
5 information to the Department of Agriculture
6 and Consumer Services; amending s. 496.403,
7 F.S.; exempting persons or organizations who
8 solicit on their behalf from ss.
9 496.401-496.424, F.S.; amending s. 496.404,
10 F.S.; clarifying a definition; amending s.
11 496.405, F.S.; revising a registration fee
12 schedule for charitable organizations; amending
13 s. 496.406, F.S.; deleting certain registration
14 requirements for certain charitable
15 organizations; amending s. 501.143, F.S.;
16 deleting a specific annual registration date
17 for certain dance studios; amending s.
18 501.2101, F.S.; authorizing the deposit of
19 moneys received by an enforcing authority for
20 attorney's fees and costs of investigation or
21 litigation to be deposited in the Legal Affairs
22 Revolving Trust Fund; amending s. 501.607,
23 F.S.; clarifying certain procedures for
24 licensing salespersons; amending s. 559.805,
25 F.S.; requiring business opportunity sellers to
26 disclose certain information; amending s.
27 559.904, F.S.; clarifying registration
28 requirements for motor vehicle repair shop
29 operators; providing a late fee; amending s.
30 817.415, F.S.; revising requirements for free
31 advertising; providing an effective date.

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

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3 Section 1. Paragraph (o) is added to subsection (7) of
4 section 213.053, Florida Statutes, to read:

5 213.053 Confidentiality and information sharing.--

6 (7) Notwithstanding any other provision of this
7 section, the department may provide:

8 (o) Names, addresses, and sales tax registration
9 information to the Division of Consumer Services of the
10 Department of Agriculture and Consumers Services in the
11 conduct of its official duties.

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13 Disclosure of information under this subsection shall be
14 pursuant to a written agreement between the executive director
15 and the agency. Such agencies, governmental or
16 nongovernmental, shall be bound by the same requirements of
17 confidentiality as the Department of Revenue. Breach of
18 confidentiality is a misdemeanor of the first degree,
19 punishable as provided by s. 775.082 or s. 775.083.

20 Section 2. Section 496.403, Florida Statutes, is
21 amended to read:

22 496.403 Application.--Sections 496.401-496.424 do not
23 apply to bona fide religious institutions, educational
24 institutions, and state agencies or other government entities
25 or persons or organizations who solicit or act as professional
26 fundraising consultants solely on their behalf. Sections
27 496.401-496.424 do not apply to political contributions
28 solicited in accordance with the election laws of this state.

29 Section 3. Subsection (16) of section 496.404, Florida
30 Statutes, is amended to read:

31 496.404 Definitions.--As used in ss. 496.401-496.424:

1 (16) "Parent organization" means that part of a
2 charitable organization or sponsor which coordinates,
3 supervises, or exercises control over policy, fundraising, and
4 expenditures or assists or advises one or more of the
5 organization's chapters, branches, or affiliates in this
6 state.

7 Section 4. Paragraph (a) of subsection (4) of section
8 496.405, Florida Statutes, is amended to read:

9 496.405 Registration statements by charitable
10 organizations and sponsors.--

11 (4)(a) Every charitable organization, sponsor, or
12 parent organization filing on behalf of one or more chapters,
13 branches, or affiliates that is required to register under
14 this section must pay a single registration fee. A parent
15 organization filing on behalf of one or more chapters,
16 branches, or affiliates shall total all contributions received
17 by the chapters, branches, or affiliates included in the
18 registration statement to determine registration fees. Fees
19 shall be assessed as follows:

20 1.a. Ten dollars, if the contributions received for
21 the last fiscal or calendar year were less than \$5,000; or

22 b. Ten dollars, if the contributions actually raised
23 or received from the public during the immediately preceding
24 fiscal year by such organization or sponsor are no more than
25 \$25,000 and the fundraising activities of such organization or
26 sponsor are carried on by volunteers, members, officers, or
27 permanent employees, who are not compensated, primarily to
28 solicit such contributions, provided no part of the assets or
29 income of such organization or sponsor inures to the benefit
30 of or is paid to any officer or member of such organization or
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1 sponsor or to any professional fundraising consultant,
2 professional solicitor, or commercial co-venturer;

3 2. Seventy-five dollars, if the contributions received
4 for the last fiscal year were \$5,000 or more, but less than
5 \$100,000;

6 3. One hundred twenty-five dollars, if the
7 contributions received for the last fiscal year were \$100,000
8 or more, but less than \$200,000;

9 4. Two hundred dollars, if the contributions received
10 for the last fiscal year were \$200,000 or more, but less than
11 \$500,000;

12 5. Three hundred dollars, if the contributions
13 received for the last fiscal year were \$500,000 or more, but
14 less than \$1 million;

15 6. Three hundred fifty dollars, if the contributions
16 received for the last fiscal year were \$1 million or more, but
17 less than \$10 million;

18 7. Four hundred dollars, if the contributions received
19 for the last fiscal year were \$10 million or more.

20 Section 5. Section 496.406, Florida Statutes, is
21 amended to read:

22 496.406 Procedures for claiming an exemption from
23 registration.--

24 ~~(1)(a)~~ The following charitable organizations and
25 sponsors are exempt from the requirements of s. 496.405:

26 (1)~~1~~. A person who is soliciting for a named
27 individual, provided that all the contributions collected
28 without any deductions whatsoever are turned over to the
29 beneficiary for her or his use and provided that the person
30 has complied with the requirements of s. 496.413.

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1 (2)2. A charitable organization or sponsor which
 2 limits solicitation of contributions to the membership of the
 3 charitable organization or sponsor. For the purposes of this
 4 paragraph, the term "membership" does not include those
 5 persons who are granted a membership upon making a
 6 contribution as a result of a solicitation.

7 ~~(b) The following charitable organizations and~~
 8 ~~sponsors must follow the procedures in subsection (2) in order~~
 9 ~~to be exempt from the requirements of s. 496.405: charitable~~
 10 ~~organizations or sponsors whose fundraising activities are~~
 11 ~~carried on by volunteers, members, officers, or permanent~~
 12 ~~employees who are not compensated primarily to solicit~~
 13 ~~contributions and which do not actually raise or receive~~
 14 ~~contributions from the public in excess of \$25,000 during the~~
 15 ~~immediately preceding fiscal year, if no part of their assets~~
 16 ~~or income inures to the benefit of or are paid to any officer~~
 17 ~~or member, professional fundraising consultant, professional~~
 18 ~~solicitor, or commercial co-venturer. Charitable organizations~~
 19 ~~or sponsors which do not intend to solicit and receive~~
 20 ~~contributions in excess of \$25,000, but do receive~~
 21 ~~contributions in excess of that amount, shall file an initial~~
 22 ~~registration statement or annual renewal statement with the~~
 23 ~~department pursuant to s. 496.405 within 30 days after~~
 24 ~~contributions are received in excess of that amount.~~

25 ~~(2) Any charitable organization or sponsor claiming to~~
 26 ~~be exempt under paragraph (1)(b) must submit annually to the~~
 27 ~~department, on forms to be prescribed by the department,~~
 28 ~~accompanied by a \$10 fee, a sworn statement setting forth the~~
 29 ~~name and address of the organization and its principal~~
 30 ~~executive personnel, the purpose of the organization, and the~~
 31 ~~factual basis for the exemption. In addition, a charitable~~

1 ~~organization or sponsor claiming to be exempt under paragraph~~
2 ~~(1)(b) must include a copy of any financial statement, report,~~
3 ~~or return filed with the Internal Revenue Service. The~~
4 ~~department must issue annually a letter of exemption to those~~
5 ~~organizations or sponsors exempt under paragraph (1)(b).~~

6 Section 6. Paragraph (a) of subsection (3) of section
7 501.143, Florida Statutes, is amended to read:

8 501.143 Dance Studio Act.--

9 (3) REGISTRATION OF BALLROOM DANCE STUDIOS.--

10 (a) Each owner or operator of a ballroom dance studio
11 shall annually register with the department ~~no later than~~
12 ~~October 1,~~ providing its legal business or trade name, mailing
13 address, and business locations, and the full names,
14 addresses, and telephone numbers of its owners or corporate
15 officers and directors and the Florida agent of the
16 corporation. A copy of all contracts offered to the public
17 shall also be submitted to the department. A certificate
18 evidencing proof of registration shall be issued by the
19 department. This certificate must be prominently displayed at
20 the sales or front desk at each business location of a
21 ballroom dance studio defined in subparagraph (2)(a)1.
22 Ballroom dance studios defined in subparagraph (2)(a)2. must
23 possess the certificate when providing dance studio lessons or
24 services.

25 Section 7. Subsection (1) of section 501.2101, Florida
26 Statutes, is amended to read:

27 501.2101 Enforcing authorities; moneys received in
28 certain proceedings; Consumer Frauds Trust Fund.--

29 (1) Any moneys received by an enforcing authority for
30 attorney's fees and costs of investigation or litigation in
31 proceedings brought under the provisions of s. 501.207, s.

1 501.208, or s. 501.211 shall be deposited as received in the
2 Consumer Frauds Trust Fund or the Legal Affairs Revolving
3 Trust Fund in the State Treasury.

4 Section 8. Paragraph (d) of subsection (1) of section
5 501.607, Florida Statutes, is amended to read:

6 501.607 Licensure of salespersons.--

7 (1) An applicant for a license as a salesperson must
8 submit to the department, in such form as it prescribes, a
9 written application for a license. The application must set
10 forth the following information:

11 (d) Whether the applicant, regardless of adjudication
12 ~~conviction~~, has previously been arrested for, convicted or
13 found guilty of, has entered a plea of guilty or a plea of
14 nolo contendere to, or is under indictment or information for,
15 a felony and, if so, the nature of the felony.

16 Section 9. Subsection (2) of section 559.805, Florida
17 Statutes, is amended to read:

18 559.805 Filings with the department; disclosure of
19 advertisement identification number.--

20 (2) Upon the filing of the disclosure statement and
21 the posting of a bond or the establishment of a trust account
22 or a guaranteed letter of credit, if any is required, the
23 department shall issue to the business opportunity seller an
24 advertisement identification number. The business opportunity
25 seller shall include and prominently display the advertisement
26 identification number in all written advertisements, sales
27 materials, promotional documents, and business opportunity
28 contracts.

29 Section 10. Subsection (8) of section 559.904, Florida
30 Statutes, is amended to read:

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1 559.904 Motor vehicle repair shop registration;
2 application; exemption.--

3 (8) Each registration must be renewed annually on or
4 before the expiration date of the current registration. A late
5 fee of \$25 shall be paid, in addition to the registration fee
6 or any other penalty, for any registration renewal application
7 that is received by the department after the expiration date
8 of the current registration. The department may not issue the
9 registration until all fees are paid.

10 Section 11. Subsection (5) of section 817.415, Florida
11 Statutes, is amended to read:

12 817.415 Florida Free Gift Advertising Law.--

13 (5) ~~TYPE~~ REQUIREMENTS FOR ~~IN~~
14 ADVERTISEMENTS.--Advertising in which items are offered as
15 free with conditions or obligations necessary to acceptance
16 shall include a clear and conspicuous statement of any such
17 conditions or obligations ~~with equal prominence and type size~~
18 ~~at least half that of the term "free,"~~ and advertising in
19 compliance herewith shall not be considered deceptive.

20 Section 12. This act shall take effect October 1 of
21 the year in which enacted.