

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Business & Professional
 2 Regulation Subcommittee
 3 Representative Boyd offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (p) of subsection (7) of section
 8 212.08, Florida Statutes, is amended to read:

9 212.08 Sales, rental, use, consumption, distribution, and
 10 storage tax; specified exemptions.—The sale at retail, the
 11 rental, the use, the consumption, the distribution, and the
 12 storage to be used or consumed in this state of the following
 13 are hereby specifically exempt from the tax imposed by this
 14 chapter.

15 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 16 entity by this chapter do not inure to any transaction that is
 17 otherwise taxable under this chapter when payment is made by a

Amendment No. 1

18 representative or employee of the entity by any means,
19 including, but not limited to, cash, check, or credit card, even
20 when that representative or employee is subsequently reimbursed
21 by the entity. In addition, exemptions provided to any entity by
22 this subsection do not inure to any transaction that is
23 otherwise taxable under this chapter unless the entity has
24 obtained a sales tax exemption certificate from the department
25 or the entity obtains or provides other documentation as
26 required by the department. Eligible purchases or leases made
27 with such a certificate must be in strict compliance with this
28 subsection and departmental rules, and any person who makes an
29 exempt purchase with a certificate that is not in strict
30 compliance with this subsection and the rules is liable for and
31 shall pay the tax. The department may adopt rules to administer
32 this subsection.

33 (p) *Section 501(c)(3) organizations.*—Also exempt from the
34 tax imposed by this chapter are sales or leases to organizations
35 determined by the Internal Revenue Service to be currently
36 exempt from federal income tax pursuant to s. 501(c)(3) of the
37 Internal Revenue Code of 1986, as amended, if when such leases
38 or purchases are used in carrying on their customary nonprofit
39 activities, unless such organizations are subject to a final
40 disqualification order issued by the Department of Agriculture
41 and Consumer Services pursuant to s. 496.430.

42 Section 2. Subsection (3) of section 212.084, Florida
43 Statutes, is amended, and subsection (7) is added to that

Amendment No. 1

44 section, to read:

45 212.084 Review of exemption certificates; reissuance;
46 specified expiration date; temporary exemption certificates.-

47 (3) After review is completed and it has been determined
48 that an institution, organization, or individual is actively
49 engaged in a bona fide exempt endeavor and is not subject to a
50 final disqualification order issued by the Department of
51 Agriculture and Consumer Services pursuant to s. 496.430, the
52 department shall reissue an exemption certificate to the entity.
53 However, each certificate so reissued is valid for 5 consecutive
54 years, at which time the review and reissuance procedure
55 provided by this section apply again. If the department
56 determines that an entity no longer qualifies for an exemption,
57 it shall revoke the tax exemption certificate of the entity.

58 (7) The department shall revoke or refuse to grant a sales
59 tax exemption certificate to an institution, organization, or
60 individual that is the subject of a final disqualification order
61 issued by the Department of Agriculture and Consumer Services
62 pursuant to s. 496.430. A revocation or denial under this
63 subsection is subject to challenge under chapter 120 only as to
64 whether a disqualification order is in effect. The institution,
65 organization, or individual must appeal or challenge the
66 validity of the disqualification order pursuant to s.
67 496.430(2).

68 Section 3. Section 496.403, Florida Statutes, is amended
69 to read:

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

70 496.403 Application.—Sections 496.401-496.424 do not apply
71 to bona fide religious institutions, educational institutions,
72 blood establishments as defined in s. 381.06014(1)(a), and state
73 agencies or other government entities or persons or
74 organizations who solicit or act as professional fundraising
75 consultants solely on ~~their~~ behalf of those entities. Sections
76 496.401-496.424 do not apply to political contributions
77 solicited in accordance with the election laws of this state.

78 Section 4. Section 496.404, Florida Statutes, is amended
79 to read:

80 496.404 Definitions.—As used in ss. 496.401-496.424, the
81 term:

82 (1) "Charitable organization" means a ~~any~~ person who is or
83 holds herself or himself out to be established for any
84 benevolent, educational, philanthropic, humane, scientific,
85 artistic, patriotic, social welfare or advocacy, public health,
86 environmental conservation, civic, or other eleemosynary
87 purpose, or a ~~any~~ person who in any manner employs a charitable
88 appeal as the basis for any solicitation or an appeal that
89 suggests that there is a charitable purpose to any solicitation.
90 The term ~~it~~ includes a chapter, branch, area office, or similar
91 affiliate soliciting contributions within the state for a
92 charitable organization that ~~which~~ has its principal place of
93 business outside the state.

94 (2) "Charitable purpose" means any benevolent,
95 philanthropic, patriotic, educational, humane, scientific,

Amendment No. 1

96 artistic, public health, social welfare or advocacy,
97 environmental conservation, civic, or other eleemosynary
98 objective.

99 (3) "Charitable sales promotion" means an advertising or
100 sales campaign conducted by a commercial co-venturer which
101 represents that the purchase or use of goods or services offered
102 by the commercial co-venturer ~~are to~~ benefit a charitable
103 organization. The provision of advertising services to a
104 charitable organization does not, in itself, constitute a
105 charitable sales promotion.

106 (4) "Commercial co-venturer" means a ~~any~~ person who, for
107 profit, regularly and primarily is engaged in trade or commerce
108 other than in connection with solicitation of contributions and
109 who conducts a charitable sales promotion or a sponsor sales
110 promotion.

111 (5) "Contribution" means the promise, pledge, or grant of
112 any money or property, financial assistance, or any other thing
113 of value in response to a solicitation. The term "Contribution"
114 includes, in the case of a charitable organization or sponsor
115 offering goods and services to the public, the difference
116 between the direct cost of the goods and services to the
117 charitable organization or sponsor and the price at which the
118 charitable organization or sponsor or any person acting on
119 behalf of the charitable organization or sponsor resells those
120 goods or services to the public. The term "Contribution" does
121 not include:

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Amendment No. 1

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

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

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

131 (d) Funds received from an organization duly registered
132 with the department that is exempt from federal income taxation
133 under s. 501(a) of the Internal Revenue Code and described in s.
134 501(c) of the Internal Revenue Code ~~that is duly registered with~~
135 ~~the department.~~

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

139 (7)~~(6)~~ "Department" means the Department of Agriculture
140 and Consumer Services.

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

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

Amendment No. 1

148 (b) An official request for international assistance.

149 (9)-(7) "Division" means the Division of Consumer Services

150 of the Department of Agriculture and Consumer Services.

151 (10)-(8) "Educational institutions" means those

152 institutions and organizations described in s. 212.08(7)(cc)8.a.

153 The term includes private nonprofit organizations, the purpose

154 of which is to raise funds for schools teaching grades

155 kindergarten through grade 12, colleges, and universities,

156 including any nonprofit newspaper of free or paid circulation

157 primarily on university or college campuses which holds a

158 current exemption from federal income tax under s. 501(c)(3) of

159 the Internal Revenue Code, any educational television network or

160 system established pursuant to s. 1001.25 or s. 1001.26, and any

161 nonprofit television or radio station that is a part of such

162 network or system and that holds a current exemption from

163 federal income tax under s. 501(c)(3) of the Internal Revenue

164 Code. The term also includes a nonprofit educational cable

165 consortium that holds a current exemption from federal income

166 tax under s. 501(c)(3) of the Internal Revenue Code, whose

167 primary purpose is the delivery of educational and instructional

168 cable television programming and whose members are composed

169 exclusively of educational organizations that hold a valid

170 consumer certificate of exemption and that are either an

171 educational institution as defined in this subsection or

172 qualified as a nonprofit organization pursuant to s. 501(c)(3)

173 of the Internal Revenue Code.

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

174 ~~(11)(9)~~ "Emergency service employee" means an ~~any~~ employee
175 who is a firefighter, as defined in s. 633.102, or ambulance
176 driver, emergency medical technician, or paramedic, as defined
177 in s. 401.23.

178 ~~(12)(10)~~ "Federated fundraising organization" means a
179 federation of independent charitable organizations that ~~which~~
180 have voluntarily joined together, including, but not limited to,
181 a united way or community chest, for purposes of raising and
182 distributing contributions for and among themselves and where
183 membership does not confer operating authority and control of
184 the individual organization upon the federated group
185 organization.

186 ~~(13)(11)~~ "Fundraising costs" means those costs incurred in
187 inducing others to make contributions to a charitable
188 organization or sponsor for which the contributors will receive
189 no direct economic benefit. Fundraising costs include, but are
190 not limited to, salaries, rent, acquiring and obtaining mailing
191 lists, printing, mailing, and all direct and indirect costs of
192 soliciting, as well as the cost of unsolicited merchandise sent
193 to encourage contributions.

194 ~~(14)(12)~~ "Law enforcement officer" means a ~~any~~ person who
195 is elected, appointed, or employed by any municipality or the
196 state or any political subdivision thereof and:

197 (a) Who is vested with authority to bear arms and make
198 arrests and whose primary responsibility is the prevention and

Amendment No. 1

199 detection of crime or the enforcement of the criminal, traffic,
200 or highway laws of the state; or

201 (b) Whose responsibility includes supervision, protection,
202 care, custody, or control of inmates within a correctional
203 institution.

204 (15) "Management and general costs" means all such costs
205 of a charitable organization or sponsor which are not
206 identifiable with a single program or fundraising activity but
207 which are indispensable to the conduct of such programs and
208 activities and the charitable organization's or sponsor's
209 existence.

210 (16)-(13) "Membership" means the relationship of a person
211 to an organization which ~~that~~ entitles her or him to the
212 privileges, professional standing, honors, or other direct
213 benefit of the organization in addition to the right to vote,
214 elect officers, and hold office in the organization.

215 (17)-(14) "Owner" means a ~~any~~ person who has a direct or
216 indirect interest in any professional fundraising consultant or
217 professional solicitor.

218 (18)-(15) "Parent organization" means that part of a
219 charitable organization or sponsor which coordinates,
220 supervises, or exercises control over policy, fundraising, and
221 expenditures or assists or advises one or more of the
222 organization's chapters, branches, or affiliates in this state.

Amendment No. 1

223 ~~(19)-(16)~~ "Person" means an ~~any~~ individual, organization,
224 trust, foundation, group, association, entity, partnership,
225 corporation, society, or any combination thereof ~~of them~~.

226 ~~(20)-(17)~~ "Professional fundraising consultant" means a ~~any~~
227 person who is retained by a charitable organization or sponsor
228 for a fixed fee or rate under a written agreement to plan,
229 manage, conduct, carry on, advise, consult, or prepare material
230 for a solicitation of contributions in this state, but who does
231 not solicit contributions or employ, procure, or engage any
232 compensated person to solicit contributions and who does not at
233 any time have custody or control of contributions. A bona fide
234 volunteer or bona fide employee or salaried officer of a
235 charitable organization or sponsor maintaining a permanent
236 establishment in this state is not a professional fundraising
237 consultant. An attorney, investment counselor, or banker who
238 advises an individual, corporation, or association to make a
239 charitable contribution is not a professional fundraising
240 consultant as the result of such advice.

241 ~~(21)-(18)~~ "Professional solicitor" means a ~~any~~ person who,
242 for compensation, performs for a charitable organization or
243 sponsor any service in connection with which contributions are
244 or will be solicited in, or from a location in, this state by
245 the compensated person or by any person it employs, procures, or
246 otherwise engages, directly or indirectly, to solicit
247 contributions, or a person who plans, conducts, manages, carries
248 on, advises, consults, ~~whether~~ directly or indirectly, in

Amendment No. 1

249 connection with the solicitation of contributions for or on
250 behalf of a charitable organization or sponsor, but who does not
251 qualify as a professional fundraising consultant. A bona fide
252 volunteer or bona fide employee or salaried officer of a
253 charitable organization or sponsor maintaining a permanent
254 establishment in this state is not a professional solicitor. An
255 attorney, investment counselor, or banker who advises an
256 individual, corporation, or association to make a charitable
257 contribution is not a professional solicitor as the result of
258 such advice.

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

263 (23) ~~(19)~~ "Religious institution" means any church,
264 ecclesiastical or denominational organization, or established
265 physical place for worship in this state at which nonprofit
266 religious services and activities are regularly conducted and
267 carried on, and includes those bona fide religious groups which
268 do not maintain specific places of worship. The term "Religious
269 institution" also includes any separate group or corporation
270 that which forms an integral part of a religious institution
271 that which is exempt from federal income tax under the
272 provisions of s. 501(c)(3) of the Internal Revenue Code. The
273 term also includes any religious institution recognized by the
274 Department of Revenue under s. 212.08(7)(m)2. and any religious

190141 - h0629-strike.docx

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Amendment No. 1

275 organization described in s. 501(c)(3) of the Internal Revenue
276 Code that is exempt from federal income tax under s. 501(a) of
277 the Internal Revenue Code and exempt from filing an annual Form
278 990, 990-EZ, or 990-N under 26 U.S.C. s. 6033, and which is not
279 ~~primarily supported by funds solicited outside its own~~
280 ~~membership or congregation.~~

281 ~~(24)(20)~~ "Solicitation" means a request, directly or
282 indirectly, for money, property, financial assistance, or any
283 other thing of value on the plea or representation that such
284 money, property, financial assistance, or other thing of value
285 or a portion of it will be used for a charitable or sponsor
286 purpose or will benefit a charitable organization or sponsor.
287 The term "Solicitation" includes, but is not limited to, the
288 following methods of requesting or securing the promise, pledge,
289 or grant of money, property, financial assistance, or any other
290 thing of value:

291 (a) Making any oral or written request;

292 (b) Making any announcement to the press, on radio or
293 television, by telephone or telegraph, or by any other
294 communication device concerning an appeal or campaign by or for
295 any charitable organization or sponsor or for any charitable or
296 sponsor purpose;

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

Amendment No. 1

300 (d) Selling or offering or attempting to sell any
301 advertisement, advertising space, book, card, coupon, chance,
302 device, magazine, membership, merchandise, subscription,
303 sponsorship, flower, admission, ticket, food, or other service
304 or tangible good, item, or thing of value, or any right of any
305 description in connection with which any appeal is made for any
306 charitable organization or sponsor or charitable or sponsor
307 purpose, or when the name of any charitable organization or
308 sponsor is used or referred to in any such appeal as an
309 inducement or reason for making the sale or when, in connection
310 with the sale or offer or attempt to sell, any statement is made
311 that all or part of the proceeds from the sale will be used for
312 any charitable or sponsor purpose or will benefit any charitable
313 organization or sponsor.

314
315 A solicitation is considered as having taken place whether or
316 not the person making the solicitation receives any
317 contribution. A solicitation does not occur when a person
318 applies for a grant or an award to the government or to an
319 organization that is exempt from federal income taxation under
320 s. 501(a) of the Internal Revenue Code and described in s.
321 501(c) of the Internal Revenue Code and is duly registered with
322 the department.

323 ~~(25)-(21)~~ "Sponsor" means a group or person that ~~which~~ is
324 or holds itself out to be soliciting contributions by the use of
325 any name that ~~which~~ implies that the group or person is in any

Amendment No. 1

326 way affiliated with or organized for the benefit of emergency
327 service employees or law enforcement officers and the group or
328 person ~~which~~ is not a charitable organization. The term includes
329 a chapter, branch, or affiliate that ~~which~~ has its principal
330 place of business outside the state, if such chapter, branch, or
331 affiliate solicits or holds itself out to be soliciting
332 contributions in this state.

333 ~~(26)-(22)~~ "Sponsor purpose" means any program or endeavor
334 performed to benefit emergency service employees or law
335 enforcement officers.

336 ~~(27)-(23)~~ "Sponsor sales promotion" means an advertising or
337 sales campaign conducted by a commercial co-venturer who
338 represents that the purchase or use of goods or services offered
339 by the commercial co-venturer will be used for a sponsor purpose
340 or donated to a sponsor. The provision of advertising services
341 to a sponsor does not, in itself, constitute a sponsor sales
342 promotion.

343 Section 5. Subsection (1), paragraphs (a) and (g) of
344 subsection (2), subsection (3), paragraph (b) of subsection (4),
345 and subsections (7) and (8) of section 496.405, Florida
346 Statutes, are amended, and subsections (9) and (10) are added to
347 that section, to read:

348 496.405 Registration statements by charitable
349 organizations and sponsors.—

350 (1) ~~(a)~~ A charitable organization or sponsor, unless
351 exempted pursuant to s. 496.406, which intends to solicit

Amendment No. 1

352 contributions in this state by any means or have funds solicited
353 on its behalf by any other person, charitable organization,
354 sponsor, commercial co-venturer, or professional solicitor, or
355 that participates in a charitable sales promotion or sponsor
356 sales promotion, must, before ~~prior to~~ engaging in any of these
357 activities, file an initial registration statement, and a
358 renewal statement annually thereafter, with the department.

359 (a) ~~(b)~~ Except as provided in paragraph (b), any changes in
360 the information submitted on the initial registration statement
361 or the last renewal statement must be updated annually on a
362 renewal statement provided by the department on or before the
363 date that marks 1 year after the date the department approved
364 the initial registration statement as provided in this section.
365 The department shall annually provide a renewal statement to
366 each registrant by mail or by electronic mail at least 30 days
367 before the renewal date.

368 (b) Any changes to the information submitted to the
369 department pursuant to paragraph (2)(d) on the initial
370 registration statement or the last renewal statement must be
371 reported to the department on a form prescribed by the
372 department within 10 days after the change occurs.

373 (c) A charitable organization or sponsor that is required
374 to file an initial registration statement or annual renewal
375 statement may not, before ~~prior to~~ approval of its statement by
376 the department in accordance with subsection (7), solicit
377 contributions or have contributions solicited on its behalf by

Amendment No. 1

378 any other person, charitable organization, sponsor, commercial
379 co-venturer, or professional solicitor, or participate in a
380 charitable sales promotion or sponsor sales promotion.

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

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

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

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

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

400 (a) A copy of the financial statement report or Internal
401 Revenue Service Form 990 and all attached schedules or Internal
402 Revenue Service Form 990-EZ and Schedule O required under s.
403 496.407 for the immediately preceding fiscal year. A newly

Amendment No. 1

404 organized charitable organization or sponsor with no financial
405 history must file a budget for the current fiscal year.

406 (g) The following information must be filed with the
407 initial registration statement and must be updated when any
408 change occurs in the information that was previously filed with
409 the initial registration statement:

410 1. The principal street address and telephone number of
411 the charitable organization or sponsor and the street address
412 and telephone numbers of any offices in this state or, if the
413 charitable organization or sponsor does not maintain an office
414 in this state, the name, street address, and telephone number of
415 the person who ~~that~~ has custody of its financial records. The
416 parent organization that files a consolidated registration
417 statement on behalf of its chapters, branches, or affiliates
418 must additionally provide the street addresses and telephone
419 numbers of all such locations in this state.

420 2. The names and street addresses of the officers,
421 directors, trustees, and the principal salaried executive
422 personnel.

423 3. The date when the charitable organization's or
424 sponsor's fiscal year ends.

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

426 5. The names, street addresses, and telephone numbers of
427 the individuals or officers who have final responsibility for
428 the custody of the contributions and who will be responsible for
429 the final distribution of the contributions.

Amendment No. 1

430 (3) Each chapter, branch, or affiliate of a parent
431 organization that is required to register under this section
432 must ~~either~~ file a separate registration statement and financial
433 statement report or ~~must~~ report the required information to its
434 parent organization, which shall then file, on a form prescribed
435 by the department, a consolidated registration statement for the
436 parent organization and its Florida chapters, branches, and
437 affiliates. A consolidated registration statement filed by a
438 parent organization must include or be accompanied by financial
439 statements reports as specified in s. 496.407 for the parent
440 organization and each of its Florida chapters, branches, and
441 affiliates that solicited or received contributions during the
442 preceding fiscal year. However, if all contributions received by
443 chapters, branches, or affiliates are remitted directly into a
444 depository account that ~~which~~ feeds directly into the parent
445 organization's centralized accounting system from which all
446 disbursements are made, the parent organization may submit one
447 consolidated financial statement report on a form prescribed by
448 the department. The consolidated financial statement must
449 reflect the activities of each chapter, branch, or affiliate of
450 the parent organization, including all contributions received in
451 the name of each chapter, branch, or affiliate; all payments
452 made to each chapter, branch, or affiliate; and all
453 administrative fees assessed to each chapter, branch, or
454 affiliate.

455 (4)

Amendment No. 1

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

462 (7) (a) The department must examine each initial
463 registration statement or annual renewal statement and the
464 supporting documents filed by a charitable organization or
465 sponsor and shall determine whether the registration
466 requirements are satisfied. Within 15 business ~~working~~ days
467 after its receipt of a statement, the department must examine
468 the statement, notify the applicant of any apparent errors or
469 omissions, and request any additional information the department
470 is allowed by law to require. Failure to correct an error or
471 omission or to supply additional information is not grounds for
472 denial of the initial registration or annual renewal statement
473 unless the department has notified the applicant within such
474 period of 15 business days ~~the 15-working-day period~~. The
475 department must approve or deny each statement, or must notify
476 the applicant that the activity for which she or he seeks
477 registration is exempt from the registration requirement, within
478 15 business ~~working~~ days after receipt of the initial
479 registration or annual renewal statement or the requested
480 additional information or correction of errors or omissions. Any
481 statement that is not approved or denied within 15 business

Amendment No. 1

482 ~~working~~ days after receipt of the requested additional
483 information or correction of errors or omissions is approved.
484 Within 7 business ~~working~~ days after receipt of a notification
485 that the registration requirements are not satisfied, the
486 charitable organization or sponsor may request a hearing. The
487 hearing must be held within 7 business ~~working~~ days after
488 receipt of the request, and any recommended order, if one is
489 issued, must be rendered within 3 business ~~working~~ days after ~~of~~
490 the hearing. The final order must then be issued within 2
491 business ~~working~~ days after the recommended order. If a
492 recommended order is not issued, the final order must be issued
493 within 5 business ~~working~~ days after the hearing. The
494 proceedings must be conducted in accordance with chapter 120,
495 except that the time limits and provisions set forth in this
496 subsection prevail to the extent of any conflict.

497 (b) If a charitable organization or sponsor discloses
498 information specified in subparagraphs (2)(d)2.-7. in the
499 initial registration statement or annual renewal statement, the
500 time limits of this subsection are waived, and the department
501 shall process such initial registration statement or annual
502 renewal statement in accordance with the time limits in chapter
503 120. The registration of a charitable organization or sponsor
504 shall be automatically suspended for failure to disclose any
505 information specified in subparagraphs (2)(d)2.-7. until such
506 time as the required information is submitted to the department.

Amendment No. 1

507 (8) A ~~No~~ charitable organization or sponsor, or any
508 officer, director, trustee, or employee thereof, may not ~~shall~~
509 knowingly allow any officer, director, trustee, or employee of
510 the charitable organization or sponsor ~~of its officers,~~
511 directors, trustees, or employees to solicit contributions on
512 behalf of such charitable organization or sponsor if such
513 officer, director, trustee, or employee has, in any state,
514 regardless of adjudication, been convicted of, or found guilty
515 of, or pled guilty or nolo contendere to, or has been
516 incarcerated within the last 10 years as a result of having
517 previously been convicted of, or found guilty of, or pled guilty
518 or nolo contendere to, any felony within the last 10 years or
519 any crime within the last 10 years involving fraud, theft,
520 larceny, embezzlement, fraudulent conversion, misappropriation
521 of property, or any crime arising from the conduct of a
522 solicitation for a charitable organization or sponsor, or has
523 been enjoined, in any state, from violating any law relating to
524 a charitable solicitation. The prohibitions in this subsection
525 also apply to any misdemeanor in another state which constitutes
526 a disqualifying felony in this state.

527 (9) The department may deny or revoke the registration of
528 a charitable organization or sponsor if the charitable
529 organization or sponsor, or any officer, director, or trustee
530 thereof, has had the right to solicit contributions revoked in
531 any state, has entered into an agreement with any state to cease
532 soliciting contributions within that state, or has been ordered

Amendment No. 1

533 by any court or governmental agency to cease soliciting
534 contributions within any state.

535 (10) A charitable organization or sponsor registered under
536 this section which ends solicitation activities or participation
537 in charitable sales promotions in this state shall immediately
538 notify the department in writing of the date such activities
539 ceased.

540 Section 6. Section 496.4055, Florida Statutes, is created
541 to read:

542 496.4055 Charitable organization or sponsor board duties.-

543 (1) As used in this section, the term "conflict of
544 interest transaction" means a transaction between a charitable
545 organization or sponsor and another party in which a director,
546 officer, or trustee of the charitable organization or sponsor
547 has a direct or indirect financial interest. The term includes,
548 but is not limited to, the sale, lease, or exchange of property
549 to or from the charitable organization or sponsor; the lending
550 of moneys to or borrowing of moneys from the charitable
551 organization or sponsor; and the payment of compensation for
552 services provided to or from the charitable organization or
553 sponsor.

554 (2) The board of directors, or an authorized committee
555 thereof, of a charitable organization or sponsor required to
556 register with the department under s. 496.405 shall adopt a
557 policy regarding conflict of interest transactions. The policy
558 shall require annual certification of compliance with the policy

Amendment No. 1

559 by all directors, officers, and employees of the charitable
560 organization. A copy of the annual certification shall be
561 submitted to the department with the annual registration
562 statement required by s. 496.405.

563 Section 7. Section 496.407, Florida Statutes, is amended
564 to read:

565 496.407 Financial statement ~~report~~.—

566 (1) A charitable organization or sponsor that is required
567 to initially register or annually renew registration must file
568 an annual financial statement ~~report~~ for the immediately
569 preceding fiscal year on ~~upon~~ a form prescribed by the
570 department.

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

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

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

575 3. ~~(c)~~ The names and addresses of the charitable
576 organizations or sponsors, professional fundraising consultant,
577 professional solicitors, and commercial co-venturers used, if
578 any, and the amounts received from each of them, if any.

579 4. ~~(d)~~ A statement of functional expenses that must
580 include, but not be limited to, expenses in the following
581 categories:

582 a.1. Program service costs.

583 b.2. Management and general costs.

584 c.3. Fundraising costs.

Amendment No. 1

585 (b) The financial statement must be audited or reviewed as
586 follows:

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

590 2. For a charitable organization or sponsor that receives
591 at least \$500,000 but less than \$1 million in annual
592 contributions, the financial statement shall be reviewed or
593 audited by an independent certified public accountant.

594 3. For a charitable organization or sponsor that receives
595 \$1 million or more in annual contributions, the financial
596 statement shall be audited by an independent certified public
597 accountant.

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

600 1. Audits shall be prepared by an independent certified
601 public account in accordance with generally accepted auditing
602 standards, including the Statements on Auditing Standards.

603 2. Reviews shall be prepared by an independent certified
604 public accountant in accordance with the Statements on Standards
605 for Accounting and Review Services.

606 (d) Audited and reviewed financial statements must be
607 accompanied by a report signed and prepared by the independent
608 certified public accountant performing such audit or review.

609 (2) In lieu of the financial statement ~~report~~ described in
610 subsection (1), a charitable organization or sponsor that

Amendment No. 1

611 receives less than \$500,000 in annual contributions may submit a
612 copy of its Internal Revenue Service Form 990 and all attached
613 schedules filed for the preceding fiscal year, or a copy of its
614 Internal Revenue Service Form 990-EZ and Schedule O filed for
615 the preceding fiscal year.

616 (3) Upon a showing of good cause by a charitable
617 organization or sponsor, the department may extend the time for
618 the filing of a financial statement required under this section
619 by up to 180 days, during which time the previous registration
620 shall remain active. The registration shall be automatically
621 suspended for failure to file the financial statement within the
622 extension period.

623 (4) The department may require that an audit or review be
624 conducted for any financial statement submitted by any
625 charitable organization or sponsor. ~~A charitable organization or~~
626 ~~sponsor may elect to also include a financial report that has~~
627 ~~been audited by an independent certified public accountant or an~~
628 ~~audit with opinion by an independent certified public~~
629 ~~accountant. In the event that a charitable organization or~~
630 ~~sponsor elects to file an audited financial report, this~~
631 ~~optional filing must be noted in the department's annual report~~
632 ~~submitted pursuant to s. 496.423.~~

633 Section 8. Section 496.4071, Florida Statutes, is created
634 to read:

635 496.4071 Supplemental financial disclosure.-

Amendment No. 1

636 (1) If, for the immediately preceding fiscal year, a
637 charitable organization or sponsor had more than \$1 million in
638 total revenue and spent less than 25 percent of the
639 organization's total annual functional expenses on program
640 service costs, in addition to any financial statement required
641 under s. 496.407, the charitable organization or sponsor shall
642 file the following supplemental financial information on a form
643 prescribed by the department:

644 (a) The dollar amount and the percentage of total revenue
645 and charitable contributions allocated to funding each of the
646 following administrative functions:

647 1. Total salaries of all persons employed by the
648 charitable organization or sponsor.

649 2. Fundraising, including any contributions received from
650 a professional solicitor's campaign.

651 3. Amounts paid to professional solicitors, including the
652 names of such professional solicitors.

653 4. Travel expenses.

654 5. Overhead and other expenses related to managing and
655 administering the charitable organization or sponsor.

656 (b) The name of and specific sum earned by or paid to all
657 employees or consultants who earned or were paid more than
658 \$100,000 during the immediately preceding fiscal year.

659 (c) The name of and specific sum paid to all service
660 providers who were paid \$100,000 or more during the immediately

Amendment No. 1

661 preceding fiscal year and a brief description of the services
662 provided.

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

665 (e) The details of any economic or business transactions
666 between the charitable organization or sponsor and an officer,
667 trustee, or director of the charitable organization or sponsor;
668 the immediate family of an officer, trustee, or director of the
669 charitable organization or sponsor; any entity controlled by an
670 officer, trustee, or director of the charitable organization or
671 sponsor; any entity controlled by the immediate family of an
672 officer, trustee, or director of the charitable organization or
673 sponsor; any entity that employed or engaged for consultation an
674 officer, trustee, or director of the charitable organization or
675 sponsor; and any entity that employed or engaged for
676 consultation the immediate family of an officer, trustee, or
677 director of the charitable organization or sponsor. As used in
678 this paragraph, the term "immediate family" means a parent,
679 spouse, child, sibling, grandparent, grandchild, brother-in-law,
680 sister-in-law, son-in-law, daughter-in-law, mother-in-law, or
681 father-in-law.

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

Amendment No. 1

686 Section 9. Section 496.4072, Florida Statutes, is created
687 to read:

688 496.4072 Financial statements for specific disaster relief
689 solicitations.—

690 (1) A charitable organization or sponsor that solicits
691 contributions in this state for a charitable purpose related to
692 a specific disaster or crisis and receives at least \$100,000 in
693 contributions in response to such solicitation shall file
694 quarterly disaster relief financial statements with the
695 department on a form prescribed by the department. The quarterly
696 statements must detail the contributions secured as a result of
697 the solicitation and the manner in which such contributions were
698 expended. The department shall post notice on its website of the
699 disasters and crises subject to the additional reporting
700 requirements in this section within 10 days after the disaster
701 or crisis.

702 (2) The first quarterly statement shall be filed on the
703 last day of the third month following the accrual of at least
704 \$100,000 in contributions after the commencement of
705 solicitations for the specific disaster or crisis. The
706 charitable organization or sponsor shall continue to file
707 quarterly statements with the department until the quarter after
708 all contributions raised in response to the solicitation are
709 expended.

Amendment No. 1

710 Section 10. Subsections (4), (6), and (9) of section
711 496.409, Florida Statutes, are amended, and subsection (10) is
712 added to that section, to read:

713 496.409 Registration and duties of professional
714 fundraising consultant.—

715 (4) A professional fundraising consultant may enter into a
716 contract or agreement with a charitable organization or sponsor
717 only if the charitable organization or sponsor has complied with
718 all applicable provisions of this chapter. A ~~Every~~ contract or
719 agreement between a professional fundraising consultant and a
720 charitable organization or sponsor must be in writing, signed by
721 two authorized officials of the charitable organization or
722 sponsor, and filed by the professional fundraising consultant
723 with the department at least 5 days before ~~prior to~~ the
724 performance of any material service by the professional
725 fundraising consultant. Solicitation under the contract or
726 agreement may not begin before the filing of the contract or
727 agreement.

728 (6)(a) The department shall examine each registration
729 statement and all supporting documents filed by a professional
730 fundraising consultant and determine whether the registration
731 requirements are satisfied. If the department determines that
732 the registration requirements are not satisfied, the department
733 must notify the professional fundraising consultant within 15
734 business ~~working~~ days after its receipt of the registration
735 statement; otherwise the registration statement is approved.

Amendment No. 1

736 Within 7 business ~~working~~ days after receipt of a notification
737 that the registration requirements are not satisfied, the
738 applicant may request a hearing. The hearing must be held within
739 7 business ~~working~~ days after receipt of the request, and any
740 recommended order, if one is issued, must be rendered within 3
741 business ~~working~~ days after the hearing. The final order must
742 then be issued within 2 business ~~working~~ days after the
743 recommended order. If there is no recommended order, the final
744 order must be issued within 5 business ~~working~~ days after the
745 hearing. The proceedings must be conducted in accordance with
746 chapter 120, except that the time limits and provisions ~~set~~
747 ~~forth~~ in this subsection prevail to the extent of any conflict.

748 (b) If a professional fundraising consultant discloses
749 information specified in paragraphs (2)(e)-(g) in the initial
750 application for registration or renewal application, the
751 processing time limits of this subsection are waived and the
752 department shall process the initial application for
753 registration or the renewal application in accordance with the
754 time limits in chapter 120. The registration of a professional
755 consultant shall be automatically suspended for failure to
756 disclose any information specified in paragraphs (2)(e)-(g)
757 until such time as the required information is submitted to the
758 department.

759 (9) A ~~no~~ person may not act as a professional fundraising
760 consultant, and a ~~no~~ professional fundraising consultant, or any
761 officer, director, trustee, or employee thereof, may not ~~shall~~

Amendment No. 1

762 knowingly employ any officer, trustee, director, or employee, if
763 such person has, in any state, regardless of adjudication, been
764 convicted of, or found guilty of, or pled guilty or nolo
765 contendere to, or has been incarcerated within the last 10 years
766 as a result of having previously been convicted of, or found
767 guilty of, or pled guilty or nolo contendere to, any crime
768 within the last 10 years involving fraud, theft, larceny,
769 embezzlement, fraudulent conversion, or misappropriation of
770 property, or any crime arising from the conduct of a
771 solicitation for a charitable organization or sponsor, or has
772 been enjoined in any state from violating any law relating to a
773 charitable solicitation.

774 (10) The department may deny or revoke the registration of
775 a professional fundraising consultant if the professional
776 fundraising consultant, or any of its officers, directors, or
777 trustees, has had the right to solicit contributions revoked in
778 any state, has entered into an agreement with any state to cease
779 soliciting contributions within that state, or has been ordered
780 by any court or governmental agency to cease soliciting
781 contributions within any state.

782 Section 11. Present subsections (3), (5), (7), (14), and
783 (15) of section 496.410, Florida Statutes, are amended,
784 paragraphs (j), (k), and (l) are added to subsection (2) of that
785 section, paragraphs (i) through (n) are added to subsection (6)
786 of that section, and a new subsection (15) is added to that
787 section, to read:

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

788 496.410 Registration and duties of professional
789 solicitors.-

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

795 (j) A list of all telephone numbers the applicant will use
796 to solicit contributions as well as the actual physical address
797 associated with each telephone number and any fictitious names
798 associated with such address.

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

802 (l) A copy of sales information or literature provided to
803 a donor or potential donor by the applicant in connection with a
804 solicitation.

805 (3) The application for registration must be accompanied
806 by a fee of \$300. ~~A professional solicitor that is a partnership~~
807 ~~or corporation may register for and pay a single fee on behalf~~
808 ~~of all of its partners, members, officers, directors, agents,~~
809 ~~and employees. In that case,~~ The names and street addresses of
810 all the officers, employees, and agents of the professional
811 solicitor and all other persons with whom the professional
812 solicitor has contracted to work under its direction, including
813 solicitors, must be listed in the application or furnished to

Amendment No. 1

814 the department within 5 days after the date of employment or
815 contractual arrangement. Each registration is valid for 1 year
816 ~~and. The registration~~ may be renewed for an additional 1-year
817 period upon application to the department and payment of the
818 registration fee.

819 (5) (a) The department must examine each registration
820 statement and supporting documents filed by a professional
821 solicitor. If the department determines that the registration
822 requirements are not satisfied, the department must notify the
823 professional solicitor within 15 business working days after its
824 receipt of the registration statement; otherwise the
825 registration statement is approved. Within 7 business working
826 days after receipt of a notification that the registration
827 requirements are not satisfied, the applicant may request a
828 hearing. The hearing must be held within 7 business working days
829 after receipt of the request, and any recommended order, if one
830 is issued, must be rendered within 3 business working days after
831 the hearing. The final order must then be issued within 2
832 business working days after the recommended order. If there is
833 no recommended order, the final order must be issued within 5
834 business working days after the hearing. The proceedings must be
835 conducted in accordance with chapter 120, except that the time
836 limits and provisions ~~set forth~~ in this subsection prevail to
837 the extent of any conflict.

838 (b) If a professional solicitor makes a disclosure
839 specified in paragraphs (2) (f)-(h) in the initial application

Amendment No. 1

840 for registration or the renewal application, the processing time
841 limits of this subsection are waived and the department shall
842 process the initial application for registration or renewal
843 application in accordance with the time limits in chapter 120.
844 The registration of a professional solicitor shall be
845 automatically suspended for failure to disclose any information
846 specified in paragraphs (2) (f)-(h) until such time as the
847 required information is submitted to the department.

848 (6) No less than 15 days before commencing any
849 solicitation campaign or event, the professional solicitor must
850 file with the department a solicitation notice on a form
851 prescribed by the department. The notice must be signed and
852 sworn to by the contracting officer of the professional
853 solicitor and must include:

854 (i) A statement of the guaranteed minimum percentage of
855 the gross receipts from contributions which will be remitted to
856 the charitable organization or sponsor, if any, or, if the
857 solicitation involves the sale of goods, services, or tickets to
858 a fundraising event, the percentage of the purchase price which
859 will be remitted to the charitable organization or sponsor, if
860 any.

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

863 (k) A statement as to whether any owner, director,
864 officer, trustee, or employee of the professional solicitor is
865 related as a parent, spouse, child, sibling, grandparent,

Amendment No. 1

866 grandchild, brother-in-law, sister-in-law, son-in-law, daughter-
867 in-law, mother-in-law, or father-in-law to:

868 1. Another officer, director, owner, trustee, or employee
869 of the professional solicitor.

870 2. Any officer, director, owner, trustee, or employee of a
871 charitable organization or sponsor under contract to the
872 professional solicitor.

873 3. Any supplier or vendor providing goods or services to a
874 charitable organization or sponsor under contract to the
875 professional solicitor.

876 (l) The beginning and ending dates of the solicitation
877 campaign.

878 (m) A copy of any script, outline, or presentation used by
879 the professional solicitor to solicit contributions for the
880 solicitation campaign. If such aids are not used, written
881 confirmation thereof.

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

885 (7) A professional solicitor may enter into a contract or
886 agreement with a charitable organization or sponsor only if the
887 charitable organization or sponsor has complied with all
888 applicable provisions of this chapter. A ~~Each~~ contract or
889 agreement between a professional solicitor and a charitable
890 organization or sponsor for each solicitation campaign must be
891 in writing, signed by two authorized officials of the charitable

Amendment No. 1

892 organization or sponsor, one of whom must be a member of the
893 organization's governing body and one of whom must be the
894 authorized contracting officer for the professional solicitor,
895 and contain all of the following provisions:

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

898 (b) A statement of the respective obligations of the
899 professional solicitor and the charitable organization or
900 sponsor.

901 (c) A statement of the guaranteed minimum percentage of
902 the gross receipts from contributions which will be remitted to
903 the charitable organization or sponsor, if any, or, if the
904 solicitation involves the sale of goods, services, or tickets to
905 a fundraising event, the percentage of the purchase price which
906 will be remitted to the charitable organization or sponsor, if
907 any. Any stated percentage shall exclude any amount which the
908 charitable organization or sponsor is to pay as fundraising
909 costs.

910 (d) A statement of the percentage of the gross revenue
911 which the professional solicitor will be compensated. If the
912 compensation of the professional solicitor is not contingent
913 upon the number of contributions or the amount of revenue
914 received, his or her compensation shall be expressed as a
915 reasonable estimate of the percentage of the gross revenue, and
916 the contract must clearly disclose the assumptions upon which
917 the estimate is based. The stated assumptions must be based upon

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

918 all of the relevant facts known to the professional solicitor
919 regarding the solicitation to be conducted by the professional
920 solicitor.

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

922 (14) A ~~no~~ person may not act as a professional solicitor,
923 and a ~~no~~ professional solicitor, or any officer, director,
924 trustee, or employee thereof, may not ~~shall~~, to solicit for
925 compensation, knowingly employ any officer, trustee, director,
926 employee, or any person with a controlling interest therein, who
927 has, in any state, regardless of adjudication, been convicted
928 of, or found guilty of, or pled guilty or nolo contendere to, or
929 has been incarcerated within the last 10 years as a result of
930 having previously been convicted of, or found guilty of, or pled
931 guilty or nolo contendere to, a felony within the last 10 years
932 involving fraud, theft, larceny, embezzlement, fraudulent
933 conversion, or misappropriation of property, or any crime
934 arising from the conduct of a solicitation for a charitable
935 organization or sponsor, or has been enjoined in any state from
936 violating any law relating to a charitable solicitation. The
937 prohibitions in this subsection also apply to any misdemeanor in
938 another state which constitutes a disqualifying felony in this
939 state.

940 (15) The department may deny or revoke the registration of
941 a professional solicitor if the professional solicitor, or any
942 of its officers, directors, trustees, or agents, has had the
943 right to solicit contributions revoked in any state, has entered

Amendment No. 1

944 into an agreement with any state to cease soliciting
945 contributions within that state, or has been ordered by any
946 court or governmental agency to cease soliciting contributions
947 within any state.

948 (16)(15) All registration fees must be paid to the
949 department and deposited into the General Inspection Trust Fund.
950 Section 12. Section 496.4101, Florida Statutes, is created
951 to read:

952 496.4101 Licensure of professional solicitors and certain
953 employees thereof.-

954 (1) Each officer, director, trustee, or owner of a
955 professional solicitor and any employee of a professional
956 solicitor conducting telephonic solicitations must, before
957 engaging in solicitation activities, obtain a solicitor license
958 from the department.

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

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

966 (b) If the applicant, in any state, regardless of
967 adjudication, has previously been convicted of, or found guilty
968 of, or pled guilty or nolo contendere to, or has been
969 incarcerated within the last 10 years as a result of having

Amendment No. 1

970 previously been convicted of, or found guilty of, or pled guilty
971 or nolo contendere to, any crime within the last 10 years
972 involving fraud, theft, larceny, embezzlement, fraudulent
973 conversion, or misappropriation of property, or any crime
974 arising from the conduct of a solicitation for a charitable
975 organization or sponsor, or has been enjoined, in any state,
976 from violating any law relating to a charitable solicitation.

977 (c) If the applicant, in any state, is involved in pending
978 litigation or has had entered against her or him an injunction,
979 a temporary restraining order, or a final judgment or order,
980 including a stipulated judgment or order, an assurance of
981 voluntary compliance, cease and desist, or any similar document,
982 in any civil or administrative action involving fraud, theft,
983 larceny, embezzlement, fraudulent conversion, or
984 misappropriation of property, or has been enjoined from
985 violating any law relating to a charitable solicitation.

986 (3) (a) Each applicant shall submit a complete set of his
987 or her fingerprints to an agency, entity, or vendor authorized
988 by s. 943.053(13). The fingerprints shall be forwarded to the
989 Department of Law Enforcement for state processing, and the
990 Department of Law Enforcement shall forward them to the Federal
991 Bureau of Investigation for national processing.

992 (b) Fees for state and federal fingerprint processing and
993 fingerprint retention fees shall be borne by the applicant. The
994 state cost for fingerprint processing is that authorized in s.

Amendment No. 1

995 943.053(3)(b) for records provided to persons or entities other
996 than those specified as exceptions therein.

997 (c) All fingerprints submitted to the Department of Law
998 Enforcement as required under this subsection shall be retained
999 by the Department of Law Enforcement as provided under s.
1000 943.05(2)(g) and (h) and enrolled in the Federal Bureau of
1001 Investigation's national retained print arrest notification
1002 program. Fingerprints shall not be enrolled in the national
1003 retained print arrest notification program until the Department
1004 of Law Enforcement begins participation with the Federal Bureau
1005 of Investigation. Arrest fingerprints will be searched against
1006 the retained prints by the Department of Law Enforcement and the
1007 Federal Bureau of Investigation.

1008 (d) For any renewal of the applicant's license, the
1009 department shall request the Department of Law Enforcement to
1010 forward the retained fingerprints of the applicant to the
1011 Federal Bureau of Investigation unless the applicant is enrolled
1012 in the national retained print arrest notification program
1013 described in paragraph (c). The fee for the national criminal
1014 history check will be paid as part of the renewal fee to the
1015 department and forwarded by the department to Department of Law
1016 Enforcement. If the applicant's fingerprints are retained in the
1017 national retained print arrest notification program, the
1018 applicant shall pay the state and national retention fee to the
1019 department which will forward the fee to the Department of Law
1020 Enforcement.

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

1021 (e) The department shall notify the Department of Law
1022 Enforcement regarding any person whose fingerprints have been
1023 retained but who is no longer licensed under this chapter.

1024 (f) The department shall screen background results to
1025 determine if an applicant meets licensure requirements.

1026 (4) A solicitor license must be renewed annually by the
1027 submission of a renewal application. A solicitor license that is
1028 not renewed expires without further action by the department.

1029 (5) Each applicant for a solicitor license shall remit a
1030 license fee of \$100 to the department at the time the initial
1031 application is filed with the department and an annual renewal
1032 fee of \$100 thereafter. All fees collected, less the cost of
1033 administration, shall be deposited into the General Inspection
1034 Trust Fund.

1035 (6) Any material change to the information submitted to
1036 the department in the initial application or renewal application
1037 for a solicitor license shall be reported to the department by
1038 the applicant or licensee within 10 days after the change
1039 occurs. The applicant or licensee shall also remit a fee in the
1040 amount of \$10 for processing the change to the initial or
1041 renewal application.

1042 (7) It is a violation of this chapter:

1043 (a) For an applicant to provide inaccurate or incomplete
1044 information to the department in the initial or renewal
1045 application for a solicitor license.

Amendment No. 1

1046 (b) For any person specified in subsection (1) to fail to
1047 maintain a solicitor license as required by this section.

1048 (c) For a professional solicitor to allow, require,
1049 permit, or authorize an employee without an active solicitor
1050 license issued under this section to conduct telephonic
1051 solicitations.

1052 (8) The department shall adopt rules that allow certain
1053 applicants to engage in solicitation activities on an interim
1054 basis until such time as a solicitor license is granted or
1055 denied.

1056 (9) The department may deny or revoke any solicitor
1057 license if the applicant or licensee has had the right to
1058 solicit contributions revoked in any state, has entered into an
1059 agreement with any state to cease soliciting contributions
1060 within that state, has been ordered by any court or governmental
1061 agency to cease soliciting contributions within any state, or is
1062 subject to any disqualification specified in s. 496.410(14).

1063 Section 13. Subsections (2) and (3) of section 496.411,
1064 Florida Statutes, are amended to read:

1065 496.411 Disclosure requirements and duties of charitable
1066 organizations and sponsors.—

1067 (2) A charitable organization or sponsor soliciting in
1068 this state must include all of the following disclosures at the
1069 point of solicitation:

Amendment No. 1

1070 (a) The name of the charitable organization or sponsor and
1071 state of the principal place of business of the charitable
1072 organization or sponsor;

1073 (b) A description of the purpose or purposes for which the
1074 solicitation is being made;

1075 (c) Upon request, the name and either the address or
1076 telephone number of a representative to whom inquiries could be
1077 addressed;

1078 (d) Upon request, the amount of the contribution which may
1079 be deducted as a charitable contribution under federal income
1080 tax laws;

1081 (e) Upon request, the source from which a written
1082 financial statement may be obtained. Such financial statement
1083 must be for the immediate preceding ~~past~~ fiscal year and must be
1084 consistent with the annual financial statement ~~report~~ filed
1085 under s. 496.407. The written financial statement must be
1086 provided within 14 days after the request and must state the
1087 purpose for which funds are raised, the total amount of all
1088 contributions raised, the total costs and expenses incurred in
1089 raising contributions, the total amount of contributions
1090 dedicated to the stated purpose or disbursed for the stated
1091 purpose, and whether the services of another person or
1092 organization have been contracted to conduct solicitation
1093 activities.

1094 (3) Every charitable organization or sponsor that ~~which~~ is
1095 required to register under s. 496.405 or is exempt under s.

Amendment No. 1

1096 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~
1097 ~~letters~~ the following statement on every ~~printed~~ solicitation,
1098 ~~written~~ confirmation, receipt, or reminder of a contribution:
1099

1100 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
1101 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1102 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1103 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1104 APPROVAL, OR RECOMMENDATION BY THE STATE."
1105

1106 The statement must include a toll-free number and website for
1107 the division which ~~that~~ can be used to obtain the registration
1108 information. If ~~When~~ the solicitation consists of more than one
1109 piece, the statement must be displayed prominently in the
1110 solicitation materials. If the solicitation occurs through a
1111 website, the statement must be conspicuously displayed on the
1112 webpage where donations are requested.

1113 Section 14. Subsection (1) of section 496.412, Florida
1114 Statutes, is amended to read:

1115 496.412 Disclosure requirements and duties of professional
1116 solicitors.—

1117 (1) A professional solicitor must comply with and be
1118 responsible for complying or causing compliance with the
1119 following disclosures:

Amendment No. 1

1120 (a) Before ~~Prior to~~ orally requesting a contribution, or
1121 contemporaneously with a written request for a contribution, a
1122 professional solicitor must clearly disclose:

1123 1. The name of the professional solicitor as on file with
1124 the department.

1125 2. If the individual acting on behalf of the professional
1126 solicitor identifies himself or herself by name, the
1127 individual's legal name.

1128 3. The name and state of the principal place of business
1129 of the charitable organization or sponsor and a description of
1130 how the contributions raised by the solicitation will be used
1131 for a charitable or sponsor purpose; or, if there is no
1132 charitable organization or sponsor, a description as to how the
1133 contributions raised by the solicitation will be used for a
1134 charitable or sponsor purpose.

1135 (b) In the case of a solicitation campaign conducted
1136 orally, whether by telephone or otherwise, any written
1137 confirmation, receipt, or reminder sent to any person who has
1138 contributed or has pledged to contribute, shall include a clear
1139 disclosure of the information required by paragraph (a).

1140 (c) In addition to the information required by paragraph
1141 (a), any written confirmation, receipt, or reminder of
1142 contribution made pursuant to an oral solicitation and any
1143 ~~written~~ solicitation shall conspicuously state ~~in capital~~
1144 ~~letters~~:

Amendment No. 1

1146 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
1147 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1148 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1149 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1150 APPROVAL, OR RECOMMENDATION BY THE STATE."
1151

1152 The statement must include a toll-free number and website for
1153 the division which ~~that~~ can be used to obtain the registration
1154 information. If ~~When~~ the solicitation consists of more than one
1155 piece, the statement must be displayed prominently in the
1156 solicitation materials. If the solicitation occurs on a website,
1157 the statement must be conspicuously displayed on the webpage
1158 where donations are requested.

1159 (d) If requested by the person being solicited, the
1160 professional solicitor shall inform that person in writing,
1161 within 14 days after ~~of~~ the request, of the fixed percentage of
1162 the gross revenue or the reasonable estimate of the percentage
1163 of the gross revenue that the charitable organization or sponsor
1164 will receive as a benefit from the solicitation campaign or
1165 shall immediately notify the person being solicited that the
1166 information is available on the department's website or by
1167 calling the division's toll-free number.

1168 (e) If requested by the person being solicited, the
1169 professional solicitor shall inform that person in writing,
1170 within 14 days after ~~of~~ the request, of the percentage of the
1171 contribution which may be deducted as a charitable contribution

Amendment No. 1

1172 under federal income tax laws or shall immediately notify the
1173 person being solicited that the information is available on the
1174 department's website or by calling the division's toll-free
1175 number.

1176 Section 15. Section 496.4121, Florida Statutes, is created
1177 to read:

1178 496.4121 Collection receptacles used for donations.-

1179 (1) As used in this section, the term "collection
1180 receptacle" means a receptacle used to collect donated clothing,
1181 household items, or other goods for resale.

1182 (2) A collection receptacle must display a permanent sign
1183 or label on each side which contains the following information
1184 printed in letters that are at least 3 inches in height and no
1185 less than one-half inch in width, in a color that contrasts with
1186 the color of the collection receptacle:

1187 (a) For collection receptacles used by a person required
1188 to register under this chapter, the name, business address,
1189 telephone number, and registration number of the charitable
1190 organization or sponsor for whom the solicitation is made.

1191 (b) For collection receptacles placed or maintained in
1192 public view by a person not required to register under this
1193 chapter or by a person not claiming an exemption pursuant to
1194 496.406, the name, telephone number, and physical address of the
1195 business conducting the solicitation and the statement: "This is
1196 not a charity. Donations made here support a for-profit business
1197 and are not tax deductible."

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

1198 (3) Upon request, a charitable organization or sponsor
1199 using a collection receptacle must provide the donor with
1200 documentation of its tax-exempt status and the registration
1201 issued under this chapter.

1202 Section 16. Subsection (2) of section 496.415, Florida
1203 Statutes, is amended, and subsection (18) is added to that
1204 section, to read:

1205 496.415 Prohibited acts.—It is unlawful for any person in
1206 connection with the planning, conduct, or execution of any
1207 solicitation or charitable or sponsor sales promotion to:

1208 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate
1209 information in a document that is filed with the department,
1210 provided to the public, or offered in response to a request or
1211 investigation by the department, the Department of Legal
1212 Affairs, or the state attorney.

1213 (18) Fail to remit to a charitable organization or sponsor
1214 the disclosed guaranteed minimum percentage of gross receipts
1215 from contributions as required under s. 496.410(7)(c) or, if the
1216 solicitation involved the sale of goods, services, or tickets to
1217 a fundraising event, the percentage of the purchase price as
1218 agreed in the contract or agreement as required under this
1219 chapter.

1220 Section 17. Subsection (5) of section 496.419, Florida
1221 Statutes, is amended to read:

1222 496.419 Powers of the department.—

Amendment No. 1

1223 (5) Upon a finding as set forth in subsection (4), the
1224 department may enter an order doing one or more of the
1225 following:

1226 (a) Issuing a notice of noncompliance pursuant to s.
1227 120.695;

1228 (b) Issuing a cease and desist order that directs that the
1229 person cease and desist specified fundraising activities;

1230 (c) Refusing to register or canceling or suspending a
1231 registration;

1232 (d) Placing the registrant on probation for a period of
1233 time, subject to such conditions as the department may specify;

1234 (e) Canceling an exemption granted under s. 496.406; ~~and~~

1235 (f) Except as provided in paragraph (g), imposing an
1236 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or
1237 omission that which constitutes a violation of ss. 496.401-
1238 496.424 or s. 496.426 or a rule or order. With respect to a s.
1239 501(c)(3) organization, the penalty imposed pursuant to this
1240 subsection may shall not exceed \$500 per violation for failure
1241 to register under s. 496.405 or file for an exemption under s.
1242 496.406(2). The penalty shall be the entire amount per violation
1243 and is not ~~to be interpreted as~~ a daily penalty; and

1244 (g) Imposing an administrative fine not to exceed \$10,000
1245 for a violation of this chapter that involves fraud or
1246 deception.

1247 Section 18. Section 496.4191, Florida Statutes, is created
1248 to read:

Amendment No. 1

1249 496.4191 Additional penalty; immediate suspension.—Upon
1250 notification and subsequent written verification by a law
1251 enforcement agency, a court, a state attorney, or the Florida
1252 Department of Law Enforcement, the department shall immediately
1253 suspend a registration or the processing of an application for a
1254 registration if the registrant, applicant, or any officer or
1255 director of the registrant or applicant is formally charged with
1256 a crime involving fraud, theft, larceny, embezzlement, or
1257 fraudulent conversion or misappropriation of property or any
1258 crime arising from the conduct of a solicitation for a
1259 charitable organization or sponsor until final disposition of
1260 the case or removal or resignation of that officer or director.

1261 Section 19. Section 496.430, Florida Statutes, is created
1262 to read:

1263 496.430 Disqualification for certain tax exemptions.—

1264 (1) The department may issue an order to disqualify a
1265 charitable organization or sponsor from receiving any sales tax
1266 exemption certificate issued by the Department of Revenue if the
1267 department finds, based upon the average of functional expenses
1268 and program service costs provided to the department pursuant to
1269 s. 496.407 for the 3 most recent fiscal years, that the
1270 charitable organization or sponsor has failed to expend at least
1271 25 percent of its total annual functional expenses on program
1272 service costs.

1273 (2) A charitable organization or sponsor may appeal a
1274 disqualification order by requesting a hearing within 21 days

Amendment No. 1

1275 after notification from the department that it has issued a
1276 disqualification order under this section. The hearing must be
1277 conducted in accordance with chapter 120.

1278 (3) Notwithstanding a finding under subsection (1) that a
1279 charitable organization or sponsor has failed to expend at least
1280 25 percent of its total annual functional expenses on program
1281 service costs, the department may decline to issue a
1282 disqualification order if the charitable organization or sponsor
1283 establishes:

1284 (a) That payments were made to affiliates which should be
1285 considered in calculating the program service costs;

1286 (b) That revenue was accumulated for a specific program
1287 purpose consistent with representations in solicitations; or

1288 (c) Such other mitigating circumstances as are defined by
1289 rule of the department.

1290 (4) A disqualification order issued by the department
1291 pursuant to this section is effective for at least 1 year after
1292 such order becomes final and shall remain effective until such
1293 time as the department receives sufficient evidence from the
1294 disqualified charitable organization or sponsor which
1295 demonstrates it expends at least 25 percent of its total annual
1296 functional expenses on program service costs.

1297 (a) The charitable organization or sponsor may not submit
1298 such evidence to the department sooner than 1 year after the
1299 disqualification order becomes final and may not submit such

Amendment No. 1

1300 information more than once each year for consideration by the
1301 department.

1302 (b) The department shall also consider any financial
1303 statement that was submitted by the charitable organization or
1304 sponsor to the department pursuant to s. 496.407 after the
1305 disqualification order became final.

1306 (5) The department shall provide a disqualification order
1307 to the Department of Revenue within 30 days after such order
1308 becomes final. A final disqualification order is conclusive as
1309 to the charitable organization's or sponsor's entitlement to any
1310 sales tax exemption. The Department of Revenue shall revoke or
1311 refuse to grant a sales tax exemption certificate to a
1312 charitable organization or sponsor subject to a final
1313 disqualification order within 30 days after receiving such
1314 disqualification order. A charitable organization or sponsor may
1315 not appeal or challenge the revocation or denial of a sales tax
1316 exemption certificate by the Department of Revenue if such
1317 revocation or denial is based upon a final disqualification
1318 order issued pursuant to this section.

1319 (6) This section does not apply to a charitable
1320 organization or sponsor that:

1321 (a) Is not required to register under this chapter with
1322 the department; or

1323 (b) Has been in existence for less than 4 years,
1324 regardless of whether the charitable organization is registered
1325 in this state.

Amendment No. 1

1326 Section 20. Paragraph (a) of subsection (3) of section
1327 741.0305, Florida Statutes, is amended to read:

1328 741.0305 Marriage fee reduction for completion of
1329 premarital preparation course.—

1330 (3)(a) All individuals electing to participate in a
1331 premarital preparation course shall choose from the following
1332 list of qualified instructors:

1333 1. A psychologist licensed under chapter 490.

1334 2. A clinical social worker licensed under chapter 491.

1335 3. A marriage and family therapist licensed under chapter
1336 491.

1337 4. A mental health counselor licensed under chapter 491.

1338 5. An official representative of a religious institution
1339 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the
1340 representative has relevant training.

1341 6. Any other provider designated by a judicial circuit,
1342 including, but not limited to, school counselors who are
1343 certified to offer such courses. Each judicial circuit may
1344 establish a roster of area course providers, including those who
1345 offer the course on a sliding fee scale or for free.

1346 Section 21. Section 496.431, Florida Statutes, is created
1347 to read:

1348 496.431 Severability.—If any provision of this chapter or
1349 its application to any person or circumstance is held invalid,
1350 the invalidity does not affect other provisions or applications
1351 of this chapter which can be given effect without the invalid

Amendment No. 1

1352 provision or application, and to this end the provisions of this
1353 chapter are severable.

1354 Section 22. For the 2014-2015 fiscal year, there is
1355 appropriated to the Department of Agriculture and Consumer
1356 Services, the sums of \$235,352 in recurring and \$239,357 in
1357 nonrecurring funds from the General Inspection Trust Fund, and 4
1358 full-time equivalent positions with associated salary rate of
1359 \$143,264 are authorized for the purpose of implementing this
1360 act.

1361 Section 23. This act shall take effect July 1, 2014.

1362

1363 -----

1364 **T I T L E A M E N D M E N T**

1365 Remove everything before the enacting clause and insert:

1366 A bill to be entitled

1367 An act relating to charities; amending s. 212.08,

1368 F.S.; excluding charitable organizations or sponsors

1369 disqualified by the Department of Agriculture and

1370 Consumer Services from receiving certain tax

1371 exemptions; amending s. 212.084, F.S.; requiring the

1372 Department of Revenue to revoke or deny a sales tax

1373 exemption to charitable organizations or sponsors

1374 disqualified by the department; providing for a

1375 limited appeal of the denial or revocation of the

1376 sales tax exemption; amending s. 496.403, F.S.;

1377 exempting blood establishments from the Solicitation

Amendment No. 1

1378 of Contributions Act; amending s. 496.404, F.S.;

1379 revising and defining terms; amending s. 496.405,

1380 F.S.; revising the timeframe within which a charitable

1381 organization or sponsor must report changes to certain

1382 information provided to the department on an initial

1383 or renewal registration statement; providing for the

1384 automatic expiration of a registration for failure to

1385 file a renewal or financial statement by a certain

1386 date; repealing a requirement that the renewal

1387 statement be filed subsequent to the financial

1388 statement; repealing authorization to extend the time

1389 to file a renewal statement; specifying the

1390 information that must be submitted by a parent

1391 organization on a consolidated financial statement;

1392 extending the time allowed for the department to

1393 review certain initial or renewal registration

1394 statements; providing that failure of a charitable

1395 organization or sponsor to make certain disclosures in

1396 a registration statement results in the automatic

1397 suspension of an active registration for a specified

1398 period; prohibiting the officers, directors, trustees,

1399 or employees of a charitable organization or sponsor

1400 from allowing certain persons to solicit contributions

1401 on behalf of the charitable organization or sponsor;

1402 specifying that the prohibition against certain

1403 persons soliciting contributions on behalf of a

Amendment No. 1

1404 charitable organization or sponsor due to the
1405 commission of certain felonies includes those felonies
1406 committed in any state as well as any misdemeanor in
1407 another state which constitutes a disqualifying felony
1408 in this state; authorizing the department to deny or
1409 revoke the registration of a charitable organization
1410 or sponsor under certain circumstances; requiring a
1411 charitable organization or sponsor that has ended
1412 solicitation activities in this state to notify the
1413 department in writing; making technical changes;
1414 creating s. 496.4055, F.S.; defining the term
1415 "conflict of interest transaction"; requiring the
1416 board of directors of a charitable organization or
1417 sponsor, or an authorized committee thereof, to adopt
1418 a policy regarding conflict of interest transactions;
1419 amending s. 496.407, F.S.; requiring that the
1420 financial statements of certain charitable
1421 organizations or sponsors be audited or reviewed;
1422 specifying requirements and standards for the audit or
1423 review of a financial statement; restricting the use
1424 of an existing alternative to the required annual
1425 financial statement to certain charities; authorizing
1426 the department to require an audit or review of any
1427 financial statement and to extend the time to file a
1428 financial statement under certain circumstances;
1429 providing that the registration of a charitable

Amendment No. 1

1430 organization or sponsor be suspended upon its failure
1431 to file a financial statement within an extension
1432 period; making technical changes; creating s.
1433 496.4071, F.S.; requiring certain charitable
1434 organizations or sponsors to report specified
1435 supplemental financial information to the department
1436 by a certain date; creating s. 496.4072, F.S.;
1437 requiring certain charitable organizations or sponsors
1438 who solicit contributions for a specific disaster
1439 relief effort to submit quarterly financial statements
1440 to the department; specifying information to be
1441 included in the quarterly financial statement and the
1442 length of the required reporting period; amending ss.
1443 496.409 and 496.410, F.S.; prohibiting a professional
1444 fundraising consultant or professional solicitor from
1445 entering into a contract or agreement with a
1446 charitable organization or sponsor that has not
1447 complied with certain requirements; extending the time
1448 that the department may review initial or renewal
1449 registration statements of professional fundraising
1450 consultants or professional solicitors which contain
1451 certain disclosures; providing that the failure of a
1452 professional fundraising consultant or professional
1453 solicitor to make certain disclosures in an initial or
1454 renewal registration statement results in automatic
1455 suspension of an active registration; prohibiting the

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

1456 officers, trustees, directors, or employees of a
1457 professional fundraising consultant or a professional
1458 solicitor from allowing certain persons to solicit
1459 contributions on behalf of the professional
1460 fundraising consultant or professional solicitor;
1461 specifying that the prohibition against acting as a
1462 professional solicitor or the employment of certain
1463 persons by a professional solicitor due to the
1464 commission of certain felonies includes those felonies
1465 committed in any state as well as any misdemeanor in
1466 another state which constitutes a disqualifying felony
1467 in this state; authorizing the department to deny or
1468 revoke the registration of a professional fundraising
1469 consultant or professional solicitor under certain
1470 circumstances; revising required information in the
1471 initial or renewal application of a professional
1472 solicitor; repealing a provision authorizing the
1473 payment of a single registration fee for certain
1474 professional solicitors; requiring a professional
1475 solicitor to provide additional specified information
1476 to the department in a solicitation notice; creating
1477 s. 496.4101, F.S.; requiring each officer, director,
1478 trustee, or owner of a professional solicitor and any
1479 employee of a professional solicitor that conducts
1480 telephone solicitations to obtain a solicitor license
1481 from the department; specifying application

Amendment No. 1

1482 information and the application procedure for a
1483 solicitor license; requiring each applicant for a
1484 solicitor license to submit a complete set of his or
1485 her fingerprints and a fee for fingerprint processing
1486 and retention to the department; requiring the
1487 department to submit the applicant's fingerprints to
1488 the Department of Law Enforcement for a criminal
1489 history background check; providing for retention of
1490 the fingerprints; requiring the department to notify
1491 the Department of Law Enforcement of individuals who
1492 are no longer licensed; requiring that a solicitor
1493 license be renewed annually or expire automatically
1494 upon nonrenewal; requiring that an applicant for a
1495 solicitor license pay certain licensing fees;
1496 providing that licensing fees be deposited into the
1497 General Inspection Trust Fund; requiring that an
1498 applicant for a solicitor license report changes in
1499 information submitted to the department in a specified
1500 manner along with a processing fee; specifying
1501 violations; requiring the department to adopt rules
1502 allowing certain persons to engage in solicitation
1503 activities without a solicitor license for a specified
1504 period; authorizing the department to deny or revoke a
1505 solicitor license under specified circumstances;
1506 amending ss. 496.411 and 496.412, F.S.; expanding and
1507 revising required solicitation disclosures of

190141 - h0629-strike.docx

Published On: 2/17/2014 6:08:58 PM

Amendment No. 1

1508 charitable organizations, sponsors, and professional
1509 solicitors; requiring that certain exempt charitable
1510 organizations or sponsors also provide such
1511 solicitation disclosures; requiring that such
1512 solicitation disclosures be placed online under
1513 certain circumstances; creating s. 496.4121, F.S.;
1514 defining the term "collection receptacle"; requiring
1515 that collection receptacles display permanent signs or
1516 labels; specifying requirements for the physical
1517 appearance of such labels or signs and information
1518 displayed thereon; requiring that a charitable
1519 organization or sponsor using a collection receptacle
1520 provide certain information to a donor upon request;
1521 amending s. 496.415, F.S.; providing that the
1522 submission of false, misleading, or inaccurate
1523 information in a document connected with a
1524 solicitation or sales promotion is unlawful; providing
1525 that the failure to remit specified funds to a
1526 charitable organization or sponsor is unlawful;
1527 amending s. 496.419, F.S.; increasing administrative
1528 fines for violations of the Solicitation of
1529 Contributions Act; creating s. 496.4191, F.S.;
1530 requiring the department to immediately suspend a
1531 registration or processing of an application for
1532 registration for a specified period if the registrant,
1533 applicant, or any officer or director thereof is

Amendment No. 1

1534 criminally charged with certain offenses; creating s.
1535 496.430, F.S.; authorizing the department to
1536 disqualify a charitable organization or sponsor from
1537 receiving a sales tax exemption under specified
1538 circumstances; providing that a charitable
1539 organization or sponsor may appeal a disqualification
1540 order; specifying appeal procedure; providing
1541 exceptions; providing that a disqualification order
1542 remains effective for a specified period; specifying
1543 the procedure to lift a disqualification order;
1544 requiring the department to provide a final
1545 disqualification order to the Department of Revenue
1546 within a specified period; providing that a final
1547 disqualification order is conclusive as to a
1548 charitable organization or sponsor's right to a sales
1549 tax exemption; requiring the Department of Revenue to
1550 revoke or deny a sales tax exemption to a charitable
1551 organization or sponsor subject to a final
1552 disqualification order within a specified period;
1553 providing for a limited appeal of the revocation or
1554 denial of the sales tax exemption; providing
1555 applicability; amending s. 741.0305, F.S.; conforming
1556 a cross-reference; creating s. 496.431, F.S.;
1557 providing for severability; making an appropriation;
1558 providing an effective date.