

1 A bill to be entitled

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

27 employees of a charitable organization or sponsor from
28 allowing certain persons to solicit contributions on
29 behalf of the charitable organization or sponsor;
30 authorizing the department to deny or revoke the
31 registration of a charitable organization or sponsor
32 under certain circumstances; requiring a charitable
33 organization or sponsor that has ended solicitation
34 activities in this state to notify the department in
35 writing; creating s. 496.4055, F.S.; defining the term
36 "conflict of interest transaction"; requiring the
37 board of directors of a charitable organization or
38 sponsor, or an authorized committee thereof, to adopt
39 a policy regarding conflict of interest transactions;
40 amending s. 496.407, F.S.; requiring the financial
41 statements of certain charitable organizations or
42 sponsors to be audited or reviewed; providing
43 requirements and standards for such audit or review;
44 authorizing certain charitable organizations and
45 sponsors to submit specified Internal Revenue Service
46 Forms in lieu of a financial statement; authorizing
47 the department to provide an extension for filing a
48 financial statement; authorizing the department to
49 require an audit or review of any financial statement
50 submitted by a charitable organization or sponsor;
51 creating s. 496.4071, F.S.; requiring certain
52 charitable organizations or sponsors to report

53 specified supplemental financial information to the
54 department by a certain date; creating s. 496.4072,
55 F.S.; requiring certain charitable organizations or
56 sponsors that solicit contributions for a specific
57 disaster relief effort to submit quarterly financial
58 statements to the department; providing requirements
59 and procedures for the filing of such quarterly
60 reports; amending s. 496.409, F.S.; authorizing a
61 professional fundraising consultant to enter into a
62 contract or agreement only with certain charitable
63 organizations or sponsors; revising the procedures and
64 requirements for reviewing professional fundraising
65 consultant registration statements and renewal
66 applications; prohibiting certain officers, trustees,
67 directors, or employees of professional fundraising
68 consultants from allowing certain persons to solicit
69 contributions on behalf of the professional
70 fundraising consultant; authorizing the department to
71 deny or revoke the registration of a professional
72 fundraising consultant under certain circumstances;
73 amending s. 496.410, F.S.; revising the information
74 that must be included in a professional solicitor
75 application for registration or renewal of
76 registration; revising procedures and requirements for
77 reviewing professional solicitor registration
78 statements and renewal applications; revising the

79 information that must be included in a solicitation
80 notice filed by a professional solicitor; authorizing
81 a professional solicitor to enter into a contract or
82 agreement only with certain charitable organizations
83 or sponsors; prohibiting certain officers, trustees,
84 directors, or employees of a professional solicitor
85 from soliciting for compensation or allowing certain
86 persons to solicit for compensation on behalf of the
87 professional solicitor; authorizing the department to
88 deny or revoke the registration of a professional
89 solicitor under certain circumstances; creating s.
90 496.4101, F.S.; requiring each officer, director,
91 trustee, or owner of a professional solicitor and
92 certain employees of a professional solicitor to
93 obtain a solicitor license from the department;
94 providing application requirements and procedures;
95 requiring applicants to submit a complete set of
96 fingerprints and pay a fee for fingerprint processing
97 and retention; requiring a solicitor license to be
98 renewed annually; providing an initial application and
99 renewal fee for a solicitor license; requiring
100 material changes in applications or renewal
101 applications to be reported to the department within a
102 specified period; providing a fee for reporting
103 material changes; providing violations; requiring the
104 department to adopt rules to allow certain applicants

105 to engage in solicitation activities on a temporary
106 basis; authorizing the department to deny or revoke a
107 solicitor license under certain circumstances;
108 amending s. 496.411, F.S.; revising disclosure
109 requirements for charitable organizations and
110 sponsors; amending s. 496.412, F.S.; revising
111 disclosure requirements for professional solicitors;
112 creating s. 496.4121, F.S.; defining the term
113 "collection receptacle"; requiring collection
114 receptacles to display permanent signs or labels;
115 providing requirements for such signs or labels;
116 requiring a charitable organization or sponsor using a
117 collection receptacle to provide certain information
118 to a donor upon request; amending s. 496.415, F.S.;
119 prohibiting the submission of false, misleading, or
120 inaccurate information in a document in connection
121 with a solicitation or sales promotion; prohibiting
122 the failure to remit specified funds to a charitable
123 organization or sponsor; amending s. 496.419, F.S.;
124 increasing administrative fine amounts the department
125 is authorized to impose for specified violations of
126 the Solicitation of Contributions Act; creating s.
127 496.4191, F.S.; requiring the department to
128 immediately suspend a registration or processing of an
129 application for registration if the registrant,
130 applicant, or any officer or director thereof is

131 charged with certain criminal offenses; creating s.
132 496.430, F.S.; authorizing the department to issue an
133 order to disqualify a charitable organization or
134 sponsor from receiving a sales tax exemption under
135 certain circumstances; providing exceptions;
136 authorizing a charitable organization or sponsor to
137 appeal a disqualification order within a specified
138 period; providing that a disqualification order
139 remains effective for a specified period; requiring a
140 charitable organization or sponsor to provide
141 specified information to the department in order to
142 lift a disqualification order; requiring the
143 department to provide a final disqualification order
144 to the Department of Revenue within a specified
145 period; requiring the Department of Revenue to revoke
146 a sales tax exemption certificate of, or refuse to
147 grant a sales tax exemption certificate to, charitable
148 organizations or sponsors subject to a final
149 disqualification order; providing for appeal;
150 providing applicability; amending s. 741.0305, F.S.;
151 conforming a cross-reference; providing severability;
152 providing an appropriation and authorizing positions;
153 providing an effective date.

154

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

156

157 Section 1. Paragraph (p) of subsection (7) of section
158 212.08, Florida Statutes, is amended to read:

159 212.08 Sales, rental, use, consumption, distribution, and
160 storage tax; specified exemptions.—The sale at retail, the
161 rental, the use, the consumption, the distribution, and the
162 storage to be used or consumed in this state of the following
163 are hereby specifically exempt from the tax imposed by this
164 chapter.

165 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
166 entity by this chapter do not inure to any transaction that is
167 otherwise taxable under this chapter when payment is made by a
168 representative or employee of the entity by any means,
169 including, but not limited to, cash, check, or credit card, even
170 when that representative or employee is subsequently reimbursed
171 by the entity. In addition, exemptions provided to any entity by
172 this subsection do not inure to any transaction that is
173 otherwise taxable under this chapter unless the entity has
174 obtained a sales tax exemption certificate from the department
175 or the entity obtains or provides other documentation as
176 required by the department. Eligible purchases or leases made
177 with such a certificate must be in strict compliance with this
178 subsection and departmental rules, and any person who makes an
179 exempt purchase with a certificate that is not in strict
180 compliance with this subsection and the rules is liable for and
181 shall pay the tax. The department may adopt rules to administer
182 this subsection.

183 (p) *Section 501(c)(3) organizations.*—Also exempt from the
 184 tax imposed by this chapter are sales or leases to organizations
 185 determined by the Internal Revenue Service to be currently
 186 exempt from federal income tax pursuant to s. 501(c)(3) of the
 187 Internal Revenue Code of 1986, as amended, if ~~when~~ such leases
 188 or purchases are used in carrying on their customary nonprofit
 189 activities, unless such organizations are subject to a final
 190 disqualification order issued by the Department of Agriculture
 191 and Consumer Services pursuant to s. 496.430.

192 Section 2. Subsection (3) of section 212.084, Florida
 193 Statutes, is amended, and subsection (7) is added to that
 194 section, to read:

195 212.084 Review of exemption certificates; reissuance;
 196 specified expiration date; temporary exemption certificates.—

197 (3) After review is completed and it has been determined
 198 that an institution, organization, or individual is actively
 199 engaged in a bona fide exempt endeavor and is not subject to a
 200 final disqualification order issued by the Department of
 201 Agriculture and Consumer Services pursuant to s. 496.430, the
 202 department shall reissue an exemption certificate to the entity.
 203 However, each certificate so reissued is valid for 5 consecutive
 204 years, at which time the review and reissuance procedure
 205 provided by this section applies ~~apply~~ again. If the department
 206 determines that an entity no longer qualifies for an exemption,
 207 it shall revoke the tax exemption certificate of the entity.

208 (7) The department shall revoke a sales tax exemption

209 certificate granted to, or refuse to grant a sales tax exemption
 210 certificate to, an institution, organization, or individual who
 211 is the subject of a final disqualification order issued by the
 212 Department of Agriculture and Consumer Services pursuant to s.
 213 496.430. A revocation or denial under this subsection is subject
 214 to challenge under chapter 120 only as to whether a
 215 disqualification order is in effect. An institution,
 216 organization, or individual who appeals or challenges the
 217 validity of the disqualification order must do so pursuant to s.
 218 496.430(2).

219 Section 3. Section 496.403, Florida Statutes, is amended
 220 to read:

221 496.403 Application.—Sections 496.401-496.424 do not apply
 222 to bona fide religious institutions, educational institutions,
 223 blood establishments as defined in s. 381.06014(1)(a), and state
 224 agencies or other government entities or persons or
 225 organizations who solicit or act as professional fundraising
 226 consultants solely on ~~their~~ behalf of those entities. Sections
 227 496.401-496.424 do not apply to political contributions
 228 solicited in accordance with the election laws of this state.

229 Section 4. Section 496.404, Florida Statutes, is amended
 230 to read:

231 496.404 Definitions.—As used in ss. 496.401-496.424, the
 232 term:

233 (1) "Charitable organization" means a ~~any~~ person who is or
 234 holds herself or himself out to be established for any

235 benevolent, educational, philanthropic, humane, scientific,
 236 artistic, patriotic, social welfare or advocacy, public health,
 237 environmental conservation, civic, or other eleemosynary
 238 purpose, or a ~~any~~ person who in any manner employs a charitable
 239 appeal as the basis for any solicitation or an appeal that
 240 suggests that there is a charitable purpose to any solicitation.
 241 The term ~~It~~ includes a chapter, branch, area office, or similar
 242 affiliate soliciting contributions within the state for a
 243 charitable organization that ~~which~~ has its principal place of
 244 business outside the state.

245 (2) "Charitable purpose" means a ~~any~~ benevolent,
 246 philanthropic, patriotic, educational, humane, scientific,
 247 artistic, public health, social welfare or advocacy,
 248 environmental conservation, civic, or other eleemosynary
 249 objective.

250 (3) "Charitable sales promotion" means an advertising or
 251 sales campaign conducted by a commercial co-venturer which
 252 represents that the purchase or use of goods or services offered
 253 by the commercial co-venturer benefits ~~are to benefit~~ a
 254 charitable organization. The provision of advertising services
 255 to a charitable organization does not, in itself, constitute a
 256 charitable sales promotion.

257 (4) "Commercial co-venturer" means a ~~any~~ person who, for
 258 profit, regularly and primarily is engaged in trade or commerce
 259 other than in connection with solicitation of contributions and
 260 who conducts a charitable sales promotion or a sponsor sales

261 promotion.

262 (5) "Contribution" means the promise, pledge, or grant of
 263 ~~any~~ money or property, financial assistance, or any other thing
 264 of value in response to a solicitation. The term "Contribution"
 265 includes, in the case of a charitable organization or sponsor
 266 offering goods and services to the public, the difference
 267 between the direct cost of the goods and services to the
 268 charitable organization or sponsor and the price at which the
 269 charitable organization or sponsor or a ~~any~~ person acting on
 270 behalf of the charitable organization or sponsor resells those
 271 goods or services to the public. The term "Contribution" does
 272 not include:

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

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

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

282 (d) Funds received from an organization duly registered
 283 with the department that is exempt from federal income taxation
 284 under s. 501(a) of the Internal Revenue Code and described in s.
 285 501(c) of the Internal Revenue Code ~~that is duly registered with~~
 286 ~~the department.~~

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

290 (7)-(6) "Department" means the Department of Agriculture
 291 and Consumer Services.

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

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

299 (b) An official request for international assistance.

300 (9)-(7) "Division" means the Division of Consumer Services
 301 of the Department of Agriculture and Consumer Services.

302 (10)-(8) "Educational institutions" means those
 303 institutions and organizations described in s. 212.08(7)(cc)8.a.
 304 The term includes private nonprofit organizations, the purpose
 305 of which is to raise funds for schools teaching grades
 306 kindergarten through grade 12, colleges, and universities,
 307 including a ~~any~~ nonprofit newspaper of free or paid circulation
 308 primarily on university or college campuses which holds a
 309 current exemption from federal income tax under s. 501(c)(3) of
 310 the Internal Revenue Code, an ~~any~~ educational television network
 311 or system established pursuant to s. 1001.25 or s. 1001.26, and
 312 a ~~any~~ nonprofit television or radio station that is a part of

313 such network or system and that holds a current exemption from
 314 federal income tax under s. 501(c)(3) of the Internal Revenue
 315 Code. The term also includes a nonprofit educational cable
 316 consortium that holds a current exemption from federal income
 317 tax under s. 501(c)(3) of the Internal Revenue Code, the ~~whose~~
 318 primary purpose of which is the delivery of educational and
 319 instructional cable television programming and the ~~whose~~ members
 320 of which are composed exclusively of educational organizations
 321 that hold a valid consumer certificate of exemption and that are
 322 either an educational institution as defined in this subsection
 323 or qualified as a nonprofit organization pursuant to s.
 324 501(c)(3) of the Internal Revenue Code.

325 (11)~~(9)~~ "Emergency service employee" means an ~~any~~ employee
 326 who is a firefighter, as defined in s. 633.102, or ambulance
 327 driver, emergency medical technician, or paramedic, as defined
 328 in s. 401.23.

329 (12)~~(10)~~ "Federated fundraising organization" means a
 330 federation of independent charitable organizations that ~~which~~
 331 have voluntarily joined together, including, but not limited to,
 332 a united way or community chest, for purposes of raising and
 333 distributing contributions for and among themselves and where
 334 membership does not confer operating authority and control of
 335 the individual organization upon the federated group
 336 organization.

337 (13)~~(11)~~ "Fundraising costs" means those costs incurred in
 338 inducing others to make contributions to a charitable

339 organization or sponsor for which the contributors will receive
 340 no direct economic benefit. Fundraising costs include, but are
 341 not limited to, salaries, rent, acquiring and obtaining mailing
 342 lists, printing, mailing, and all direct and indirect costs of
 343 soliciting, as well as the cost of unsolicited merchandise sent
 344 to encourage contributions.

345 (14)~~(12)~~ "Law enforcement officer" means a ~~any~~ person who
 346 is elected, appointed, or employed by a ~~any~~ municipality or the
 347 state or a ~~any~~ political subdivision thereof and:

348 (a) Who is vested with authority to bear arms and make
 349 arrests and whose primary responsibility is the prevention and
 350 detection of crime or the enforcement of the criminal, traffic,
 351 or highway laws of the state; or

352 (b) Whose responsibility includes supervision, protection,
 353 care, custody, or control of inmates within a correctional
 354 institution.

355 (15) "Management and general costs" means all such costs
 356 of a charitable organization or sponsor which are not
 357 identifiable with a single program or fundraising activity but
 358 which are indispensable to the conduct of such programs and
 359 activities and the charitable organization or sponsor's
 360 existence.

361 (16)~~(13)~~ "Membership" means the relationship of a person
 362 to an organization which ~~that~~ entitles her or him to the
 363 privileges, professional standing, honors, or other direct
 364 benefit of the organization in addition to the right to vote,

365 elect officers, and hold office in the organization.

366 (17)~~(14)~~ "Owner" means a ~~any~~ person who has a direct or
 367 indirect interest in a ~~any~~ professional fundraising consultant
 368 or professional solicitor.

369 (18)~~(15)~~ "Parent organization" means that part of a
 370 charitable organization or sponsor which coordinates,
 371 supervises, or exercises control over policy, fundraising, and
 372 expenditures or assists or advises one or more of the
 373 organization's chapters, branches, or affiliates in this state.

374 (19)~~(16)~~ "Person" means an ~~any~~ individual, organization,
 375 trust, foundation, group, association, entity, partnership,
 376 corporation, or ~~society,~~ or any combination thereof ~~of them~~.

377 (20)~~(17)~~ "Professional fundraising consultant" means a ~~any~~
 378 person who is retained by a charitable organization or sponsor
 379 for a fixed fee or rate under a written agreement to plan,
 380 manage, conduct, carry on, advise, consult, or prepare material
 381 for a solicitation of contributions in this state, but who does
 382 not solicit contributions or employ, procure, or engage any
 383 compensated person to solicit contributions and who does not at
 384 any time have custody or control of contributions. A bona fide
 385 volunteer or bona fide employee or salaried officer of a
 386 charitable organization or sponsor maintaining a permanent
 387 establishment in this state is not a professional fundraising
 388 consultant. An attorney, investment counselor, or banker who
 389 advises an individual, corporation, or association to make a
 390 charitable contribution is not a professional fundraising

391 consultant as the result of such advice.

392 (21)~~(18)~~ "Professional solicitor" means a ~~any~~ person who,
 393 for compensation, performs for a charitable organization or
 394 sponsor a ~~any~~ service in connection with which contributions are
 395 or will be solicited in, or from a location in, this state by
 396 the compensated person or by a ~~any~~ person it employs, procures,
 397 or otherwise engages, directly or indirectly, to solicit
 398 contributions, or a person who plans, conducts, manages, carries
 399 on, advises, consults, ~~whether~~ directly or indirectly, in
 400 connection with the solicitation of contributions for or on
 401 behalf of a charitable organization or sponsor, but who does not
 402 qualify as a professional fundraising consultant. A bona fide
 403 volunteer or bona fide employee or salaried officer of a
 404 charitable organization or sponsor maintaining a permanent
 405 establishment in this state is not a professional solicitor. An
 406 attorney, investment counselor, or banker who advises an
 407 individual, corporation, or association to make a charitable
 408 contribution is not a professional solicitor as the result of
 409 such advice.

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

413 (23)~~(19)~~ "Religious institution" means a ~~any~~ church,
 414 ecclesiastical or denominational organization, or established
 415 physical place for worship in this state at which nonprofit
 416 religious services and activities are regularly conducted and

417 carried on~~,~~ and includes those bona fide religious groups that
 418 ~~which~~ do not maintain specific places of worship. The term
 419 ~~"Religious institution"~~ also includes a any separate group or
 420 corporation that ~~which~~ forms an integral part of a religious
 421 institution that ~~which~~ is exempt from federal income tax under
 422 ~~the provisions of~~ s. 501(c)(3) of the Internal Revenue Code. The
 423 term also includes a religious institution recognized by the
 424 Department of Revenue under s. 212.08(7)(m)2. and a religious
 425 organization described in s. 501(c)(3) of the Internal Revenue
 426 Code that is exempt from federal income tax under s. 501(a) of
 427 the Internal Revenue Code and exempt from filing an annual Form
 428 990, 990-EZ, or 990-N under 26 U.S.C. s. 6033, ~~and which is not~~
 429 ~~primarily supported by funds solicited outside its own~~
 430 ~~membership or congregation.~~

431 ~~(24)-(20)~~ "Solicitation" means a request, directly or
 432 indirectly, for money, property, financial assistance, or any
 433 other thing of value on the plea or representation that such
 434 money, property, financial assistance, or other thing of value
 435 or a portion of it will be used for a charitable or sponsor
 436 purpose or will benefit a charitable organization or sponsor.
 437 The term "Solicitation" includes, but is not limited to, the
 438 following methods of requesting or securing the promise, pledge,
 439 or grant of money, property, financial assistance, or any other
 440 thing of value:

- 441 (a) Making any oral or written request;
- 442 (b) Making any announcement to the press, on radio or

443 television, by telephone or telegraph, or by any other
444 communication device concerning an appeal or campaign by or for
445 any charitable organization or sponsor or for any charitable or
446 sponsor purpose;

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

450 (d) Selling or offering or attempting to sell any
451 advertisement, advertising space, book, card, coupon, chance,
452 device, magazine, membership, merchandise, subscription,
453 sponsorship, flower, admission, ticket, food, or other service
454 or tangible good, item, or thing of value, or any right of any
455 description in connection with which any appeal is made for any
456 charitable organization or sponsor or charitable or sponsor
457 purpose, or when the name of any charitable organization or
458 sponsor is used or referred to in any such appeal as an
459 inducement or reason for making the sale or when, in connection
460 with the sale or offer or attempt to sell, any statement is made
461 that all or part of the proceeds from the sale will be used for
462 any charitable or sponsor purpose or will benefit any charitable
463 organization or sponsor.

464
465 A solicitation is considered as having taken place regardless of
466 whether ~~or not~~ the person making the solicitation receives any
467 contribution. A solicitation does not occur when a person
468 applies for a grant or an award to the government or to an

469 organization that is exempt from federal income taxation under
470 s. 501(a) of the Internal Revenue Code and described in s.
471 501(c) of the Internal Revenue Code and is duly registered with
472 the department.

473 ~~(25)-(21)~~ "Sponsor" means a group or person who ~~which~~ is or
474 holds herself or himself ~~itself~~ out to be soliciting
475 contributions by the use of a any name that ~~which~~ implies that
476 the group or person is in any way affiliated with or organized
477 for the benefit of emergency service employees or law
478 enforcement officers and the group or person ~~which~~ is not a
479 charitable organization. The term includes a chapter, branch, or
480 affiliate that ~~which~~ has its principal place of business outside
481 the state, if such chapter, branch, or affiliate solicits or
482 holds itself out to be soliciting contributions in this state.

483 ~~(26)-(22)~~ "Sponsor purpose" means a any program or endeavor
484 performed to benefit emergency service employees or law
485 enforcement officers.

486 ~~(27)-(23)~~ "Sponsor sales promotion" means an advertising or
487 sales campaign conducted by a commercial co-venturer who
488 represents that the purchase or use of goods or services offered
489 by the commercial co-venturer will be used for a sponsor purpose
490 or donated to a sponsor. The provision of advertising services
491 to a sponsor does not, in itself, constitute a sponsor sales
492 promotion.

493 Section 5. Subsection (1), paragraphs (a) and (g) of
494 subsection (2), subsection (3), paragraph (b) of subsection (4),

495 and subsections (7) and (8) of section 496.405, Florida
 496 Statutes, are amended, and subsections (9) and (10) are added to
 497 that section, to read:

498 496.405 Registration statements by charitable
 499 organizations and sponsors.—

500 (1)~~(a)~~ A charitable organization or sponsor, unless
 501 exempted pursuant to s. 496.406, which intends to solicit
 502 contributions in this state by any means or have funds solicited
 503 on its behalf by any other person, charitable organization,
 504 sponsor, commercial co-venturer, or professional solicitor, or
 505 that participates in a charitable sales promotion or sponsor
 506 sales promotion, must, before ~~prior to~~ engaging in any of these
 507 activities, file an initial registration statement, and a
 508 renewal statement annually thereafter, with the department.

509 (a)~~(b)~~ Except as provided in paragraph (b), any changes in
 510 the information submitted on the initial registration statement
 511 or the last renewal statement must be updated annually on a
 512 renewal statement provided by the department on or before the
 513 date that marks 1 year after the date the department approved
 514 the initial registration statement as provided in this section.
 515 The department shall annually provide a renewal statement to
 516 each registrant by mail or by electronic mail at least 30 days
 517 before the renewal date.

518 (b) Any changes to the information submitted to the
 519 department pursuant to paragraph (2) (d) on the initial
 520 registration statement or the last renewal statement must be

521 reported to the department on a form prescribed by the
522 department within 10 days after the change occurs.

523 (c) A charitable organization or sponsor that is required
524 to file an initial registration statement or annual renewal
525 statement may not, before ~~prior to~~ approval of its statement by
526 the department in accordance with subsection (7), solicit
527 contributions or have contributions solicited on its behalf by
528 any other person, charitable organization, sponsor, commercial
529 co-venturer, or professional solicitor, or participate in a
530 charitable sales promotion or sponsor sales promotion.

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

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

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

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

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

547 official of the charitable organization or sponsor who shall
 548 certify that the registration statement is true and correct, and
 549 include the following information or material:

550 (a) A copy of the financial statement ~~report~~ or Internal
 551 Revenue Service Form 990 and all attached schedules or Internal
 552 Revenue Service Form 990-EZ and Schedule O required under s.
 553 496.407 for the immediately preceding fiscal year. A newly
 554 organized charitable organization or sponsor with no financial
 555 history must file a budget for the current fiscal year.

556 (g) The following information must be filed with the
 557 initial registration statement and must be updated when any
 558 change occurs in the information that was previously filed with
 559 the initial registration statement:

560 1. The principal street address and telephone number of
 561 the charitable organization or sponsor and the street address
 562 and telephone numbers of any offices in this state or, if the
 563 charitable organization or sponsor does not maintain an office
 564 in this state, the name, street address, and telephone number of
 565 the person who ~~that~~ has custody of its financial records. The
 566 parent organization that files a consolidated registration
 567 statement on behalf of its chapters, branches, or affiliates
 568 must additionally provide the street addresses and telephone
 569 numbers of all such locations in this state.

570 2. The names and street addresses of the officers,
 571 directors, trustees, and ~~the~~ principal salaried executive
 572 personnel.

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

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

576 5. The names, street addresses, and telephone numbers of
577 the individuals or officers who have final responsibility for
578 the custody of the contributions and who will be responsible for
579 the final distribution of the contributions.

580 (3) Each chapter, branch, or affiliate of a parent
581 organization that is required to register under this section
582 must ~~either~~ file a separate registration statement and financial
583 statement ~~report~~ or ~~must~~ report the required information to its
584 parent organization, which shall then file, on a form prescribed
585 by the department, a consolidated registration statement for the
586 parent organization and its Florida chapters, branches, and
587 affiliates. A consolidated registration statement filed by a
588 parent organization must include or be accompanied by financial
589 statements ~~reports~~ as specified in s. 496.407 for the parent
590 organization and each of its Florida chapters, branches, and
591 affiliates that solicited or received contributions during the
592 preceding fiscal year. However, if all contributions received by
593 chapters, branches, or affiliates are remitted directly into a
594 depository account that ~~which~~ feeds directly into the parent
595 organization's centralized accounting system from which all
596 disbursements are made, the parent organization may submit one
597 consolidated financial statement ~~report~~ on a form prescribed by
598 the department. The consolidated financial statement must

599 reflect the activities of each chapter, branch, or affiliate of
 600 the parent organization, including all contributions received in
 601 the name of each chapter, branch, or affiliate; all payments
 602 made to each chapter, branch, or affiliate; and all
 603 administrative fees assessed to each chapter, branch, or
 604 affiliate.

605 (4)

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

612 (7) (a) The department must examine each initial
 613 registration statement or annual renewal statement and the
 614 supporting documents filed by a charitable organization or
 615 sponsor and shall determine whether the registration
 616 requirements are satisfied. Within 15 business ~~working~~ days
 617 after its receipt of a statement, the department must examine
 618 the statement, notify the applicant of any apparent errors or
 619 omissions, and request any additional information the department
 620 is allowed by law to require. Failure to correct an error or
 621 omission or to supply additional information is not grounds for
 622 denial of the initial registration or annual renewal statement
 623 unless the department has notified the applicant within the 15-
 624 business-day ~~15-working-day~~ period. The department must approve

625 or deny each statement, or must notify the applicant that the
626 activity for which she or he seeks registration is exempt from
627 the registration requirement, within 15 business ~~working~~ days
628 after receipt of the initial registration or annual renewal
629 statement or the requested additional information or correction
630 of errors or omissions. ~~A~~ Any statement that is not approved or
631 denied within 15 business ~~working~~ days after receipt of the
632 requested additional information or correction of errors or
633 omissions is approved. Within 7 business ~~working~~ days after
634 receipt of a notification that the registration requirements are
635 not satisfied, the charitable organization or sponsor may
636 request a hearing. The hearing must be held within 7 business
637 ~~working~~ days after receipt of the request, and any recommended
638 order, if one is issued, must be rendered within 3 business
639 ~~working~~ days ~~after~~ of the hearing. The final order must then be
640 issued within 2 business ~~working~~ days after the recommended
641 order. If a recommended order is not issued, the final order
642 must be issued within 5 business ~~working~~ days after the hearing.
643 The proceedings must be conducted in accordance with chapter
644 120, except that the time limits and provisions set forth in
645 this paragraph ~~subsection~~ prevail to the extent of any conflict.

646 (b) If a charitable organization or sponsor discloses
647 information specified in subparagraphs (2)(d)2.-7. in the
648 initial registration statement or annual renewal statement, the
649 time limits set forth in paragraph (a) are waived, and the
650 department shall process such initial registration statement or

651 annual renewal statement in accordance with the time limits set
652 forth in chapter 120. The registration of a charitable
653 organization or sponsor shall be automatically suspended for
654 failure to disclose any information specified in subparagraphs
655 (2) (d) 2.-7. until such time as the required information is
656 submitted to the department.

657 (8) A ~~Ne~~ charitable organization or sponsor, or an
658 officer, director, trustee, or employee thereof, may not shall
659 knowingly allow an officer, director, trustee, or employee of
660 the charitable organization or sponsor any of its officers,
661 ~~directors, trustees, or employees~~ to solicit contributions on
662 behalf of such charitable organization or sponsor if such
663 officer, director, trustee, or employee has, in any state,
664 regardless of adjudication, been convicted of, been ~~or~~ found
665 guilty of, or pled guilty or nolo contendere to, or has been
666 incarcerated within the last 10 years as a result of having
667 previously been convicted of, been ~~or~~ found guilty of, or pled
668 guilty or nolo contendere to, a any felony within the last 10
669 years or a any crime within the last 10 years involving fraud,
670 theft, larceny, embezzlement, fraudulent conversion,
671 misappropriation of property, or a any crime arising from the
672 conduct of a solicitation for a charitable organization or
673 sponsor, or has been enjoined in any state from violating a any
674 law relating to a charitable solicitation. The prohibitions in
675 this subsection also apply to a misdemeanor in another state
676 which constitutes a disqualifying felony in this state.

677 (9) The department may deny or revoke the registration of
 678 a charitable organization or sponsor if the charitable
 679 organization or sponsor, or an officer, director, or trustee
 680 thereof, has had the right to solicit contributions revoked in
 681 any state, has entered into an agreement with any state to cease
 682 soliciting contributions within that state, or has been ordered
 683 by a court or governmental agency to cease soliciting
 684 contributions within any state.

685 (10) A charitable organization or sponsor registered under
 686 this section which ends solicitation activities or participation
 687 in charitable sales promotions in this state shall immediately
 688 notify the department in writing of the date such activities
 689 ceased.

690 Section 6. Section 496.4055, Florida Statutes, is created
 691 to read:

692 496.4055 Charitable organization or sponsor board duties.-

693 (1) As used in this section, the term "conflict of
 694 interest transaction" means a transaction between a charitable
 695 organization or sponsor and another party in which a director,
 696 officer, or trustee of the charitable organization or sponsor
 697 has a direct or indirect financial interest. The term includes,
 698 but is not limited to, the sale, lease, or exchange of property
 699 to or from the charitable organization or sponsor; the lending
 700 of moneys to or borrowing of moneys from the charitable
 701 organization or sponsor; and the payment of compensation for
 702 services provided to or from the charitable organization or

703 sponsor.

704 (2) The board of directors, or an authorized committee
 705 thereof, of a charitable organization or sponsor required to
 706 register with the department under s. 496.405 shall adopt a
 707 policy regarding conflict of interest transactions. The policy
 708 shall require annual certification of compliance with the policy
 709 by all directors, officers, and employees of the charitable
 710 organization. A copy of the annual certification shall be
 711 submitted to the department with the annual registration
 712 statement required by s. 496.405.

713 Section 7. Section 496.407, Florida Statutes, is amended
 714 to read:

715 496.407 Financial statement report.—

716 (1) A charitable organization or sponsor that is required
 717 to initially register or annually renew registration must file
 718 an annual financial statement report for the immediately
 719 preceding fiscal year on ~~upon~~ a form prescribed by the
 720 department.

721 (a) The statement report must include the following:

722 1.(a) A balance sheet.

723 2.(b) A statement of support, revenue and expenses, and
 724 any change in the fund balance.

725 3.(c) The names and addresses of the charitable
 726 organizations or sponsors, professional fundraising consultant,
 727 professional solicitors, and commercial co-venturers used, if
 728 any, and the amounts received therefrom ~~from each of them~~, if

729 any.

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

733 ~~a.1.~~ Program service costs.

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

735 ~~c.3.~~ Fundraising costs.

736 (b) The financial statement must be audited or reviewed as
737 follows:

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

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

745 3. For a charitable organization or sponsor that receives
746 \$1 million or more in annual contributions, the financial
747 statement shall be audited by an independent certified public
748 accountant.

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

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

754 2. A review shall be prepared by an independent certified

755 public accountant in accordance with the Statements on Standards
756 for Accounting and Review Services.

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

760 (2) In lieu of the financial statement ~~report~~ described in
761 subsection (1), a charitable organization or sponsor that
762 receives less than \$500,000 in annual contributions may submit a
763 copy of its Internal Revenue Service Form 990 and all attached
764 schedules filed for the preceding fiscal year, or a copy of its
765 Internal Revenue Service Form 990-EZ and Schedule O filed for
766 the preceding fiscal year.

767 (3) Upon a showing of good cause by a charitable
768 organization or sponsor, the department may extend the time for
769 the filing of a financial statement required under this section
770 by up to 180 days, during which time the previous registration
771 shall remain active. The registration shall be automatically
772 suspended for failure to file the financial statement within the
773 extension period.

774 (4) The department may require an audit or review to be
775 conducted for any financial statement submitted by any
776 charitable organization or sponsor. A charitable organization or
777 ~~sponsor may elect to also include a financial report that has~~
778 ~~been audited by an independent certified public accountant or an~~
779 ~~audit with opinion by an independent certified public~~
780 ~~accountant. In the event that a charitable organization or~~

781 ~~sponsor elects to file an audited financial report, this~~
782 ~~optional filing must be noted in the department's annual report~~
783 ~~submitted pursuant to s. 496.423.~~

784 Section 8. Section 496.4071, Florida Statutes, is created
785 to read:

786 496.4071 Supplemental financial disclosure.—

787 (1) If, for the immediately preceding fiscal year, a
788 charitable organization or sponsor had more than \$1 million in
789 total revenue and spent less than 25 percent of the organization
790 or sponsor's total annual functional expenses on program service
791 costs, in addition to any financial statement required under s.
792 496.407, the charitable organization or sponsor shall file the
793 following supplemental financial information on a form
794 prescribed by the department:

795 (a) The dollar amount and the percentage of total revenue
796 and charitable contributions allocated to funding each of the
797 following administrative functions:

798 1. Total salaries of all persons employed by the
799 charitable organization or sponsor.

800 2. Fundraising, including any contributions received from
801 a professional solicitor's campaign.

802 3. Amounts paid to professional solicitors and the names
803 of such professional solicitors.

804 4. Travel expenses.

805 5. Overhead and other expenses related to managing and
806 administering the charitable organization or sponsor.

807 (b) The names of and specific sums earned by or paid to
808 all employees or consultants who earned or were paid more than
809 \$100,000 during the immediately preceding fiscal year.

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

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

816 (e) The details of any economic or business transaction
817 between the charitable organization or sponsor and an officer,
818 trustee, or director of the charitable organization or sponsor;
819 the immediate family of an officer, trustee, or director of the
820 charitable organization or sponsor; an entity controlled by an
821 officer, trustee, or director of the charitable organization or
822 sponsor; an entity controlled by the immediate family of an
823 officer, trustee, or director of the charitable organization or
824 sponsor; an entity that employed or engaged for consultation an
825 officer, trustee, or director of the charitable organization or
826 sponsor; and an entity that employed or engaged for consultation
827 the immediate family of an officer, trustee, or director of the
828 charitable organization or sponsor. As used in this paragraph,
829 the term "immediate family" means a parent, spouse, child,
830 sibling, grandparent, grandchild, brother-in-law, sister-in-law,
831 son-in-law, daughter-in-law, mother-in-law, or father-in-law.

832 (2) The supplemental financial information required under

833 subsection (1) must be filed with the department by the
834 charitable organization or sponsor within 30 days after
835 receiving a request for such information from the department.

836 Section 9. Section 496.4072, Florida Statutes, is created
837 to read:

838 496.4072 Financial statements for specific disaster relief
839 solicitations.—

840 (1) A charitable organization or sponsor that solicits
841 contributions in this state for a charitable purpose related to
842 a specific disaster or crisis and receives at least \$100,000 in
843 contributions in response to such solicitation shall file
844 quarterly disaster relief financial statements with the
845 department on a form prescribed by the department. The quarterly
846 statements must detail the contributions secured as a result of
847 the solicitation and the manner in which such contributions were
848 expended. The department shall post notice on its website of a
849 disaster or crisis subject to the reporting requirements of this
850 section within 10 days after the disaster or crisis.

851 (2) The first quarterly statement shall be filed on the
852 last day of the 3rd month following the accrual of at least
853 \$100,000 in contributions after the commencement of
854 solicitations for the specific disaster or crisis. The
855 charitable organization or sponsor shall continue to file
856 quarterly statements with the department until the quarter after
857 all contributions raised in response to the solicitation are
858 expended.

859 Section 10. Subsections (4), (6), and (9) of section
860 496.409, Florida Statutes, are amended, and subsection (10) is
861 added to that section, to read:

862 496.409 Registration and duties of professional
863 fundraising consultant.—

864 (4) A professional fundraising consultant may enter into a
865 contract or agreement with a charitable organization or sponsor
866 only if the charitable organization or sponsor has complied with
867 all applicable provisions of this chapter. A ~~Every~~ contract or
868 agreement between a professional fundraising consultant and a
869 charitable organization or sponsor must be in writing, signed by
870 two authorized officials of the charitable organization or
871 sponsor, and filed by the professional fundraising consultant
872 with the department at least 5 days before ~~prior to~~ the
873 performance of any material service by the professional
874 fundraising consultant. Solicitation under the contract or
875 agreement may not begin before the filing of the contract or
876 agreement.

877 (6) (a) The department shall examine each registration
878 statement and all supporting documents filed by a professional
879 fundraising consultant and determine whether the registration
880 requirements are satisfied. If the department determines that
881 the registration requirements are not satisfied, the department
882 must notify the professional fundraising consultant within 15
883 business ~~working~~ days after its receipt of the registration
884 statement; otherwise the registration statement is approved.

885 Within 7 business ~~working~~ days after receipt of a notification
886 that the registration requirements are not satisfied, the
887 applicant may request a hearing. The hearing must be held within
888 7 business ~~working~~ days after receipt of the request, and any
889 recommended order, if one is issued, must be rendered within 3
890 business ~~working~~ days after the hearing. The final order must
891 then be issued within 2 business ~~working~~ days after the
892 recommended order. If a ~~there is no~~ recommended order is not
893 issued, the final order must be issued within 5 business ~~working~~
894 days after the hearing. The proceedings must be conducted in
895 accordance with chapter 120, except that the time limits and
896 provisions set forth in this paragraph ~~subsection~~ prevail to the
897 extent of any conflict.

898 (b) If a professional fundraising consultant discloses
899 information specified in paragraphs (2)(e)-(g) in the initial
900 application for registration or renewal application, the time
901 limits set forth in paragraph (a) are waived, and the department
902 shall process the initial application for registration or the
903 renewal application in accordance with the time limits set forth
904 in chapter 120. The registration of a professional consultant
905 shall be automatically suspended for failure to disclose any
906 information specified in paragraphs (2)(e)-(g) until such time
907 as the required information is submitted to the department.

908 (9) A ~~No~~ person may not act as a professional fundraising
909 consultant, and a ~~no~~ professional fundraising consultant, or an
910 officer, director, trustee, or employee thereof, may not shall

911 knowingly employ an ~~any~~ officer, trustee, director, or employee,
 912 if such person has, in any state, regardless of adjudication,
 913 been convicted of, been ~~or~~ found guilty of, or pled guilty or
 914 nolo contendere to, or has been incarcerated within the last 10
 915 years as a result of having previously been convicted of, been
 916 ~~or~~ found guilty of, or pled guilty or nolo contendere to, a ~~any~~
 917 crime within the last 10 years involving fraud, theft, larceny,
 918 embezzlement, fraudulent conversion, or misappropriation of
 919 property, or a ~~any~~ crime arising from the conduct of a
 920 solicitation for a charitable organization or sponsor, or has
 921 been enjoined in any state from violating a ~~any~~ law relating to
 922 a charitable solicitation.

923 (10) The department may deny or revoke the registration of
 924 a professional fundraising consultant if the professional
 925 fundraising consultant, or any of its officers, directors, or
 926 trustees, has had the right to solicit contributions revoked in
 927 any state, has entered into an agreement with any state to cease
 928 soliciting contributions within that state, or has been ordered
 929 by a court or governmental agency to cease soliciting
 930 contributions within any state.

931 Section 11. Present subsections (3), (5), (7), (14), and
 932 (15) of section 496.410, Florida Statutes, are amended,
 933 paragraphs (j), (k), and (l) are added to subsection (2) of that
 934 section, paragraphs (i) through (n) are added to subsection (6)
 935 of that section, and a new subsection (15) is added to that
 936 section, to read:

937 496.410 Registration and duties of professional
 938 solicitors.-

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

944 (j) A list of all telephone numbers the applicant will use
 945 to solicit contributions as well as the actual physical address
 946 associated with each telephone number and any fictitious names
 947 associated with such address.

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

951 (l) A copy of sales information or literature provided to
 952 a donor or potential donor by the applicant in connection with a
 953 solicitation.

954 (3) The application for registration must be accompanied
 955 by a fee of \$300. ~~A professional solicitor that is a partnership~~
 956 ~~or corporation may register for and pay a single fee on behalf~~
 957 ~~of all of its partners, members, officers, directors, agents,~~
 958 ~~and employees. In that case,~~ The names and street addresses of
 959 all the officers, employees, and agents of the professional
 960 solicitor and all other persons with whom the professional
 961 solicitor has contracted to work under its direction, including
 962 solicitors, must be listed in the application or furnished to

963 the department within 5 days after the date of employment or
964 contractual arrangement. Each registration is valid for 1 year
965 ~~and. The registration~~ may be renewed for an additional 1-year
966 period upon application to the department and payment of the
967 registration fee.

968 (5) (a) The department must examine each registration
969 statement and supporting documents filed by a professional
970 solicitor. If the department determines that the registration
971 requirements are not satisfied, the department must notify the
972 professional solicitor within 15 business ~~working~~ days after its
973 receipt of the registration statement; otherwise the
974 registration statement is approved. Within 7 business ~~working~~
975 days after receipt of a notification that the registration
976 requirements are not satisfied, the applicant may request a
977 hearing. The hearing must be held within 7 business ~~working~~ days
978 after receipt of the request, and any recommended order, if one
979 is issued, must be rendered within 3 business ~~working~~ days after
980 the hearing. The final order must then be issued within 2
981 business ~~working~~ days after the recommended order. If ~~a there is~~
982 ~~no~~ recommended order is not issued, the final order must be
983 issued within 5 business ~~working~~ days after the hearing. The
984 proceedings must be conducted in accordance with chapter 120,
985 except that the time limits and provisions set forth in this
986 paragraph subsection prevail to the extent of any conflict.

987 (b) If a professional solicitor discloses information
988 specified in paragraphs (2)(f)-(h) in the initial application

989 for registration or the renewal application, the time limits set
990 forth in paragraph (a) are waived, and the department shall
991 process the initial application for registration or renewal
992 application in accordance with the time limits set forth in
993 chapter 120. The registration of a professional solicitor shall
994 be automatically suspended for failure to disclose any
995 information specified in paragraphs (2)(f)-(h) until such time
996 as the required information is submitted to the department.

997 (6) No less than 15 days before commencing any
998 solicitation campaign or event, the professional solicitor must
999 file with the department a solicitation notice on a form
1000 prescribed by the department. The notice must be signed and
1001 sworn to by the contracting officer of the professional
1002 solicitor and must include:

1003 (i) A statement of the guaranteed minimum percentage of
1004 the gross receipts from contributions which will be remitted to
1005 the charitable organization or sponsor, if any, or, if the
1006 solicitation involves the sale of goods, services, or tickets to
1007 a fundraising event, the percentage of the purchase price which
1008 will be remitted to the charitable organization or sponsor, if
1009 any.

1010 (j) The percentage of a contribution which may be deducted
1011 as a charitable contribution under federal income tax laws.

1012 (k) A statement as to whether an owner, director, officer,
1013 trustee, or employee of the professional solicitor is related as
1014 a parent, spouse, child, sibling, grandparent, grandchild,

1015 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
 1016 mother-in-law, or father-in-law to:

1017 1. Another officer, director, owner, trustee, or employee
 1018 of the professional solicitor.

1019 2. An officer, director, owner, trustee, or employee of a
 1020 charitable organization or sponsor under contract with the
 1021 professional solicitor.

1022 3. A supplier or vendor providing goods or services to a
 1023 charitable organization or sponsor under contract with the
 1024 professional solicitor.

1025 (l) The beginning and ending dates of the solicitation
 1026 campaign.

1027 (m) A copy of any script, outline, or presentation used by
 1028 the professional solicitor to solicit contributions for the
 1029 solicitation campaign or, if such solicitation aids are not
 1030 used, written confirmation thereof.

1031 (n) A copy of sales information or literature provided to
 1032 a donor or potential donor by the professional solicitor in
 1033 connection with the solicitation campaign.

1034 (7) A professional solicitor may enter into a contract or
 1035 agreement with a charitable organization or sponsor only if the
 1036 charitable organization or sponsor has complied with all
 1037 applicable provisions of this chapter. A ~~Each~~ contract or
 1038 agreement between a professional solicitor and a charitable
 1039 organization or sponsor for each solicitation campaign must be
 1040 in writing, signed by two authorized officials of the charitable

1041 organization or sponsor, one of whom must be a member of the
1042 organization's governing body and one of whom must be the
1043 authorized contracting officer for the professional solicitor,
1044 and contain all of the following provisions:

1045 (a) A statement of the charitable or sponsor purpose and
1046 program for which the solicitation campaign is being conducted.

1047 (b) A statement of the respective obligations of the
1048 professional solicitor and the charitable organization or
1049 sponsor.

1050 (c) A statement of the guaranteed minimum percentage of
1051 the gross receipts from contributions which will be remitted to
1052 the charitable organization or sponsor, if any, or, if the
1053 solicitation involves the sale of goods, services, or tickets to
1054 a fundraising event, the percentage of the purchase price which
1055 will be remitted to the charitable organization or sponsor, if
1056 any. Any stated percentage shall exclude any amount which the
1057 charitable organization or sponsor is to pay as fundraising
1058 costs.

1059 (d) A statement of the percentage of the gross revenue
1060 which the professional solicitor will be compensated. If the
1061 compensation of the professional solicitor is not contingent
1062 upon the number of contributions or the amount of revenue
1063 received, his or her compensation shall be expressed as a
1064 reasonable estimate of the percentage of the gross revenue, and
1065 the contract must clearly disclose the assumptions upon which
1066 the estimate is based. The stated assumptions must be based upon

1067 all of the relevant facts known to the professional solicitor
 1068 regarding the solicitation to be conducted by the professional
 1069 solicitor.

1070 (e) The effective and termination dates of the contract.

1071 (14) A ~~no~~ person may not act as a professional solicitor,
 1072 and a ~~no~~ professional solicitor, or an officer, director,
 1073 trustee, or employee thereof, may not ~~shall~~, to solicit for
 1074 compensation, knowingly employ ~~an~~ any officer, trustee,
 1075 director, ~~or~~ employee, or a ~~any~~ person with a controlling
 1076 interest therein, who has, in any state, regardless of
 1077 adjudication, been convicted of, been ~~or~~ found guilty of, or
 1078 pled guilty or nolo contendere to, or has been incarcerated
 1079 within the last 10 years as a result of having previously been
 1080 convicted of, been ~~or~~ found guilty of, or pled guilty or nolo
 1081 contendere to, a felony within the last 10 years involving
 1082 fraud, theft, larceny, embezzlement, fraudulent conversion, or
 1083 misappropriation of property, or a ~~any~~ crime arising from the
 1084 conduct of a solicitation for a charitable organization or
 1085 sponsor, or has been enjoined in any state from violating a ~~any~~
 1086 law relating to a charitable solicitation. The prohibitions in
 1087 this subsection also apply to a misdemeanor in another state
 1088 which constitutes a disqualifying felony in this state.

1089 (15) The department may deny or revoke the registration of
 1090 a professional solicitor if the professional solicitor, or any
 1091 of its officers, directors, trustees, or agents, has had the
 1092 right to solicit contributions revoked in any state, has entered

1093 into an agreement with any state to cease soliciting
1094 contributions within that state, or has been ordered by a court
1095 or governmental agency to cease soliciting contributions within
1096 any state.

1097 ~~(16)~~~~(15)~~ All registration fees must be paid to the
1098 department and deposited into the General Inspection Trust Fund.

1099 Section 12. Section 496.4101, Florida Statutes, is created
1100 to read:

1101 496.4101 Licensure of professional solicitors and certain
1102 employees thereof.—

1103 (1) An officer, director, trustee, or owner of a
1104 professional solicitor and an employee of a professional
1105 solicitor conducting telephonic solicitations must, before
1106 engaging in solicitation activities, obtain a solicitor license
1107 from the department.

1108 (2) Persons required to obtain a solicitor license under
1109 subsection (1) shall submit to the department, in such form as
1110 the department prescribes, an application for a solicitor
1111 license. The application must include the following information:

1112 (a) The true name, date of birth, unique identification
1113 number of a driver license or other valid form of
1114 identification, and home address of the applicant.

1115 (b) Whether the applicant, in any state, regardless of
1116 adjudication, has previously been convicted of, been found
1117 guilty of, or pled guilty or nolo contendere to, or has been
1118 incarcerated within the last 10 years as a result of having

1119 previously been convicted of, been found guilty of, or pled
1120 guilty or nolo contendere to, a crime within the last 10 years
1121 involving fraud, theft, larceny, embezzlement, fraudulent
1122 conversion, or misappropriation of property, or a crime arising
1123 from the conduct of a solicitation for a charitable organization
1124 or sponsor, or has been enjoined in any state from violating a
1125 law relating to a charitable solicitation.

1126 (c) Whether the applicant, in any state, is involved in
1127 pending litigation or has had entered against her or him an
1128 injunction, a temporary restraining order, or a final judgment
1129 or order, including a stipulated judgment or order, an assurance
1130 of voluntary compliance, a cease and desist order, or any
1131 similar document, in any civil or administrative action
1132 involving fraud, theft, larceny, embezzlement, fraudulent
1133 conversion, or misappropriation of property, or has been
1134 enjoined from violating any law relating to a charitable
1135 solicitation.

1136 (3) (a) An applicant shall submit a complete set of his or
1137 her fingerprints to an agency, entity, or vendor authorized by
1138 s. 943.053(13). The fingerprints shall be forwarded to the
1139 Department of Law Enforcement for state processing, and the
1140 Department of Law Enforcement shall forward them to the Federal
1141 Bureau of Investigation for national processing.

1142 (b) Fees for state and federal fingerprint processing and
1143 fingerprint retention fees shall be borne by the applicant. The
1144 state cost for fingerprint processing is that authorized in s.

1145 943.053(3)(b) for records provided to persons or entities other
1146 than those specified as exceptions therein.

1147 (c) All fingerprints submitted to the Department of Law
1148 Enforcement as required under this subsection shall be retained
1149 by the Department of Law Enforcement as provided under s.
1150 943.05(2)(g) and (h) and enrolled in the Federal Bureau of
1151 Investigation's national retained print arrest notification
1152 program. Fingerprints shall not be enrolled in the national
1153 retained print arrest notification program until the Department
1154 of Law Enforcement begins participation with the Federal Bureau
1155 of Investigation. Arrest fingerprints will be searched against
1156 the retained prints by the Department of Law Enforcement and the
1157 Federal Bureau of Investigation.

1158 (d) For any renewal of the applicant's license, the
1159 department shall request the Department of Law Enforcement to
1160 forward the retained fingerprints of the applicant to the
1161 Federal Bureau of Investigation unless the applicant is enrolled
1162 in the national retained print arrest notification program
1163 described in paragraph (c). The fee for the national criminal
1164 history check shall be paid as part of the renewal fee to the
1165 department and forwarded by the department to Department of Law
1166 Enforcement. If the applicant's fingerprints are retained in the
1167 national retained print arrest notification program, the
1168 applicant shall pay the state and national retention fee to the
1169 department, which shall forward the fee to the Department of Law
1170 Enforcement.

1171 (e) The department shall notify the Department of Law
 1172 Enforcement regarding any person whose fingerprints have been
 1173 retained but who is no longer licensed under this chapter.

1174 (f) The department shall screen background results to
 1175 determine whether an applicant meets licensure requirements.

1176 (4) A solicitor license must be renewed annually by the
 1177 submission of a renewal application. A solicitor license that is
 1178 not renewed expires without further action by the department.

1179 (5) An applicant for a solicitor license shall remit a
 1180 license fee of \$100 to the department at the time the initial
 1181 application is filed with the department and an annual renewal
 1182 fee of \$100 thereafter. All fees collected, less the cost of
 1183 administration, shall be deposited into the General Inspection
 1184 Trust Fund.

1185 (6) Any material change to the information submitted to
 1186 the department in the initial application or renewal application
 1187 for a solicitor license shall be reported to the department by
 1188 the applicant or licensee within 10 days after the change
 1189 occurs. The applicant or licensee shall also remit a fee in the
 1190 amount of \$10 for processing the change to the initial or
 1191 renewal application.

1192 (7) It is a violation of this chapter:

1193 (a) For an applicant to provide inaccurate or incomplete
 1194 information to the department in the initial or renewal
 1195 application for a solicitor license.

1196 (b) For a person specified in subsection (1) to fail to

1197 maintain a solicitor license as required by this section.

1198 (c) For a professional solicitor to allow, require,
 1199 permit, or authorize an employee without an active solicitor
 1200 license issued under this section to conduct telephonic
 1201 solicitations.

1202 (8) The department shall adopt rules that allow certain
 1203 applicants to engage in solicitation activities on a temporary
 1204 basis until such time as a solicitor license is granted or
 1205 denied.

1206 (9) The department may deny or revoke a solicitor license
 1207 if the applicant or licensee has had the right to solicit
 1208 contributions revoked in any state, has entered into an
 1209 agreement with any state to cease soliciting contributions
 1210 within that state, has been ordered by a court or governmental
 1211 agency to cease soliciting contributions within any state, or is
 1212 subject to any disqualification specified in s. 496.410(14).

1213 Section 13. Subsections (2), (3), and (6) of section
 1214 496.411, Florida Statutes, are amended to read:

1215 496.411 Disclosure requirements and duties of charitable
 1216 organizations and sponsors.—

1217 (2) A charitable organization or sponsor soliciting in
 1218 this state must include all of the following disclosures at the
 1219 point of solicitation:

1220 (a) The name of the charitable organization or sponsor and
 1221 state of the principal place of business of the charitable
 1222 organization or sponsor.†

1223 (b) A description of the purpose or purposes for which the
 1224 solicitation is being made.~~†~~

1225 (c) Upon request, the name and either the address or
 1226 telephone number of a representative to whom inquiries may ~~could~~
 1227 be addressed.~~†~~

1228 (d) Upon request, the amount of the contribution which may
 1229 be deducted as a charitable contribution under federal income
 1230 tax laws.~~†~~

1231 (e) Upon request, the source from which a written
 1232 financial statement may be obtained. Such financial statement
 1233 must be for the immediate preceding ~~past~~ fiscal year and must be
 1234 consistent with the annual financial statement ~~report~~ filed
 1235 under s. 496.407. The written financial statement must be
 1236 provided within 14 days after the request and must state the
 1237 purpose for which funds are raised, the total amount of all
 1238 contributions raised, the total costs and expenses incurred in
 1239 raising contributions, the total amount of contributions
 1240 dedicated to the stated purpose or disbursed for the stated
 1241 purpose, and whether the services of another person or
 1242 organization have been contracted to conduct solicitation
 1243 activities.

1244 (3) Every charitable organization or sponsor that ~~which~~ is
 1245 required to register under s. 496.405 or is exempt under s.
 1246 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~
 1247 ~~letters~~ the following statement on every ~~printed~~
 1248 ~~written~~ confirmation, receipt, or reminder of a contribution:

1249
 1250 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
 1251 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
 1252 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
 1253 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
 1254 APPROVAL, OR RECOMMENDATION BY THE STATE."
 1255

1256 The statement must include a toll-free number and website for
 1257 the division which ~~that~~ can be used to obtain the registration
 1258 information. If ~~When~~ the solicitation consists of more than one
 1259 piece, the statement must be displayed prominently in the
 1260 solicitation materials. If the solicitation occurs on a website,
 1261 the statement must be conspicuously displayed on the webpage on
 1262 which donations are requested.

1263 (6) Each charitable organization or sponsor that is
 1264 required to register under s. 496.405 shall conspicuously
 1265 display the organization ~~organization's~~ or sponsor's
 1266 registration number issued by the department under this chapter
 1267 on every printed solicitation, written confirmation, receipt, or
 1268 reminder of a contribution. If the solicitation consists of more
 1269 than a single item, the statement shall be displayed prominently
 1270 in the solicitation materials.

1271 Section 14. Subsection (1) of section 496.412, Florida
 1272 Statutes, is amended to read:

1273 496.412 Disclosure requirements and duties of professional
 1274 solicitors.—

1275 (1) A professional solicitor must comply with and be
1276 responsible for complying or causing compliance with the
1277 following disclosures:

1278 (a) Before ~~Prior to~~ orally requesting a contribution, or
1279 contemporaneously with a written request for a contribution, a
1280 professional solicitor must clearly disclose:

1281 1. The name of the professional solicitor as on file with
1282 the department.

1283 2. If the individual acting on behalf of the professional
1284 solicitor identifies himself or herself by name, the
1285 individual's legal name.

1286 3. The name and state of the principal place of business
1287 of the charitable organization or sponsor and a description of
1288 how the contributions raised by the solicitation will be used
1289 for a charitable or sponsor purpose~~r~~ or, if there is no
1290 charitable organization or sponsor, a description as to how the
1291 contributions raised by the solicitation will be used for a
1292 charitable or sponsor purpose.

1293 (b) In the case of a solicitation campaign conducted
1294 orally, whether by telephone or otherwise, any written
1295 confirmation, receipt, or reminder sent to any person who has
1296 contributed or has pledged to contribute~~r~~ shall include a clear
1297 disclosure of the information required by paragraph (a).

1298 (c) In addition to the information required by paragraph
1299 (a), any written confirmation, receipt, or reminder of
1300 contribution made pursuant to an oral solicitation and any

1301 ~~written~~ solicitation shall conspicuously state ~~in capital~~
1302 ~~letters:~~

1303

1304 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
1305 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1306 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1307 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1308 APPROVAL, OR RECOMMENDATION BY THE STATE."

1309

1310 The statement must include a toll-free number and website for
1311 the division which ~~that~~ can be used to obtain the registration
1312 information. If ~~When~~ the solicitation consists of more than one
1313 piece, the statement must be displayed prominently in the
1314 solicitation materials. If the solicitation occurs on a website,
1315 the statement must be conspicuously displayed on the webpage on
1316 which donations are requested.

1317 (d) If requested by the person being solicited, the
1318 professional solicitor shall inform that person in writing,
1319 within 14 days after ~~of~~ the request, of the fixed percentage of
1320 the gross revenue or the reasonable estimate of the percentage
1321 of the gross revenue that the charitable organization or sponsor
1322 will receive as a benefit from the solicitation campaign or
1323 shall immediately notify the person being solicited that the
1324 information is available on the department's website or by
1325 calling the division's toll-free number.

1326 (e) If requested by the person being solicited, the

1327 professional solicitor shall inform that person in writing,
1328 within 14 days after ~~of~~ the request, of the percentage of the
1329 contribution which may be deducted as a charitable contribution
1330 under federal income tax laws or shall immediately notify the
1331 person being solicited that the information is available on the
1332 department's website or by calling the division's toll-free
1333 number.

1334 Section 15. Section 496.4121, Florida Statutes, is created
1335 to read:

1336 496.4121 Collection receptacles used for donations.-

1337 (1) As used in this section, the term "collection
1338 receptacle" means a receptacle used to collect donated clothing,
1339 household items, or other goods for resale.

1340 (2) A collection receptacle must display a permanent sign
1341 or label on each side which contains the following information
1342 printed in letters that are at least 3 inches in height and no
1343 less than one-half inch in width, in a color that contrasts with
1344 the color of the collection receptacle:

1345 (a) For a collection receptacle used by a person required
1346 to register under this chapter, the name, business address,
1347 telephone number, and registration number of the charitable
1348 organization or sponsor for whom the solicitation is made.

1349 (b) For a collection receptacle placed or maintained in
1350 public view by a person not required to register under this
1351 chapter or by a person not claiming an exemption pursuant to s.
1352 496.406, the name, telephone number, and physical address of the

1353 business conducting the solicitation and the statement: "This is
 1354 not a charity. Donations made here support a for-profit business
 1355 and are not tax deductible."

1356 (3) Upon request, a charitable organization or sponsor
 1357 using a collection receptacle must provide the donor with
 1358 documentation of its tax-exempt status and the registration
 1359 issued under this chapter.

1360 Section 16. Subsection (2) of section 496.415, Florida
 1361 Statutes, is amended, and subsection (18) is added to that
 1362 section, to read:

1363 496.415 Prohibited acts.—It is unlawful for any person in
 1364 connection with the planning, conduct, or execution of any
 1365 solicitation or charitable or sponsor sales promotion to:

1366 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate
 1367 information in a document that is filed with the department,
 1368 provided to the public, or offered in response to a request or
 1369 investigation by the department, the Department of Legal
 1370 Affairs, or the state attorney.

1371 (18) Fail to remit to a charitable organization or sponsor
 1372 the disclosed guaranteed minimum percentage of gross receipts
 1373 from contributions as required under s. 496.410(7)(c) or, if the
 1374 solicitation involved the sale of goods, services, or tickets to
 1375 a fundraising event, the percentage of the purchase price as
 1376 agreed in the contract or agreement as required under this
 1377 chapter.

1378 Section 17. Subsection (5) of section 496.419, Florida

1379 Statutes, is amended to read:

1380 496.419 Powers of the department.—

1381 (5) Upon a finding as set forth in subsection (4), the
 1382 department may enter an order doing one or more of the
 1383 following:

1384 (a) Issuing a notice of noncompliance pursuant to s.
 1385 120.695;

1386 (b) Issuing a cease and desist order that directs that the
 1387 person cease and desist specified fundraising activities;

1388 (c) Refusing to register or canceling or suspending a
 1389 registration;

1390 (d) Placing the registrant on probation for a period of
 1391 time, subject to such conditions as the department may specify;

1392 (e) Canceling an exemption granted under s. 496.406; ~~and~~

1393 (f) Except as provided in paragraph (g), imposing an
 1394 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or
 1395 omission that ~~which~~ constitutes a violation of ss. 496.401-
 1396 496.424 or s. 496.426 or a rule or order. With respect to a s.
 1397 501(c)(3) organization, the penalty imposed pursuant to this
 1398 subsection may ~~shall~~ not exceed \$500 per violation for failure
 1399 to register under s. 496.405 or file for an exemption under s.
 1400 496.406(2). The penalty shall be the entire amount per violation
 1401 and is not ~~to be interpreted as~~ a daily penalty; and

1402 (g) Imposing an administrative fine not to exceed \$10,000
 1403 for a violation of this chapter that involves fraud or
 1404 deception.

1405 Section 18. Section 496.4191, Florida Statutes, is created
 1406 to read:

1407 496.4191 Additional penalty; immediate suspension.—Upon
 1408 notification and subsequent written verification by a law
 1409 enforcement agency, a court, a state attorney, or the Department
 1410 of Law Enforcement, the department shall immediately suspend a
 1411 registration or the processing of an application for a
 1412 registration if the registrant, applicant, or an officer or
 1413 director of the registrant or applicant is formally charged with
 1414 a crime involving fraud, theft, larceny, embezzlement, or
 1415 fraudulent conversion or misappropriation of property or a crime
 1416 arising from the conduct of a solicitation for a charitable
 1417 organization or sponsor until final disposition of the case or
 1418 removal or resignation of that officer or director.

1419 Section 19. Section 496.430, Florida Statutes, is created
 1420 to read:

1421 496.430 Disqualification for certain tax exemptions.—
 1422 (1) The department may issue an order to disqualify a
 1423 charitable organization or sponsor from receiving a sales tax
 1424 exemption certificate issued by the Department of Revenue if the
 1425 department finds, based upon the average of functional expenses
 1426 and program service costs provided to the department pursuant to
 1427 s. 496.407 for the 3 most recent fiscal years, that the
 1428 charitable organization or sponsor has failed to expend at least
 1429 25 percent of its total annual functional expenses on program
 1430 service costs.

1431 (2) Notwithstanding a finding under subsection (1) that a
 1432 charitable organization or sponsor has failed to expend at least
 1433 25 percent of its total annual functional expenses on program
 1434 service costs, the department may decline to issue a
 1435 disqualification order if the charitable organization or sponsor
 1436 establishes:

1437 (a) That payments were made to affiliates which should be
 1438 considered in calculating the program service costs;

1439 (b) That revenue was accumulated for a specific program
 1440 purpose consistent with representations in solicitations; or

1441 (c) Such other mitigating circumstances as are defined by
 1442 rule of the department.

1443 (3) A charitable organization or sponsor may appeal a
 1444 disqualification order by requesting a hearing within 21 days
 1445 after notification from the department that it has issued a
 1446 disqualification order under this section. The hearing must be
 1447 conducted in accordance with chapter 120.

1448 (4) A disqualification order issued by the department
 1449 pursuant to this section is effective for at least 1 year after
 1450 such order becomes final and shall remain effective until such
 1451 time as the department receives sufficient evidence from the
 1452 disqualified charitable organization or sponsor which
 1453 demonstrates it expends at least 25 percent of its total annual
 1454 functional expenses on program service costs.

1455 (a) The charitable organization or sponsor may not submit
 1456 such evidence to the department sooner than 1 year after the

1457 disqualification order becomes final and may not submit such
 1458 information more than once each year for consideration by the
 1459 department.

1460 (b) The department shall also consider any financial
 1461 statement that was submitted by the charitable organization or
 1462 sponsor to the department pursuant to s. 496.407 after the
 1463 disqualification order became final.

1464 (5) The department shall provide a disqualification order
 1465 to the Department of Revenue within 30 days after such order
 1466 becomes final. A final disqualification order is conclusive as
 1467 to the charitable organization or sponsor's entitlement to a
 1468 sales tax exemption. The Department of Revenue shall revoke a
 1469 sales tax exemption certificate granted to, or refuse to grant a
 1470 sales tax exemption certificate to, a charitable organization or
 1471 sponsor subject to a final disqualification order within 30 days
 1472 after receiving such disqualification order. A charitable
 1473 organization or sponsor may not appeal or challenge the
 1474 revocation or denial of a sales tax exemption certificate by the
 1475 Department of Revenue if such revocation or denial is based upon
 1476 a final disqualification order issued pursuant to this section.

1477 (6) This section does not apply to a charitable
 1478 organization or sponsor that:

1479 (a) Is not required to register under this chapter with
 1480 the department; or

1481 (b) Has been in existence for less than 4 years,
 1482 regardless of whether the charitable organization is registered

1483 in this state.

1484 Section 20. Paragraph (a) of subsection (3) of section
1485 741.0305, Florida Statutes, is amended to read:

1486 741.0305 Marriage fee reduction for completion of
1487 premarital preparation course.—

1488 (3) (a) All individuals electing to participate in a
1489 premarital preparation course shall choose from the following
1490 list of qualified instructors:

- 1491 1. A psychologist licensed under chapter 490.
- 1492 2. A clinical social worker licensed under chapter 491.
- 1493 3. A marriage and family therapist licensed under chapter
1494 491.

- 1495 4. A mental health counselor licensed under chapter 491.
- 1496 5. An official representative of a religious institution
1497 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the
1498 representative has relevant training.

- 1499 6. Any other provider designated by a judicial circuit,
1500 including, but not limited to, school counselors who are
1501 certified to offer such courses. Each judicial circuit may
1502 establish a roster of area course providers, including those who
1503 offer the course on a sliding fee scale or for free.

1504 Section 21. If any provision of this act or its
1505 application to any person or circumstance is held invalid, the
1506 invalidity does not affect other provisions or applications of
1507 the act which can be given effect without the invalid provision
1508 or application, and to this end the provisions of this act are

CS/HB 629

2014

1509 severable.

1510 Section 22. For the 2014-2015 fiscal year, the sums of
1511 \$235,352 in recurring funds and \$239,357 in nonrecurring funds
1512 from the General Inspection Trust Fund are appropriated to the
1513 Department of Agriculture and Consumer Services, and 4 full-time
1514 equivalent positions with associated salary rate of \$143,264 are
1515 authorized, for the purpose of implementing this act.

1516 Section 23. This act shall take effect July 1, 2014.