

1 A bill to be entitled

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

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

157 Revenue to revoke a sales tax exemption certificate
 158 of, or refuse to grant a sales tax exemption
 159 certificate to, charitable organizations or sponsors
 160 subject to a final disqualification order; prohibiting
 161 a charitable organization or sponsor from appealing or
 162 challenging the revocation or denial of a sales tax
 163 exemption certificate under certain circumstances;
 164 amending s. 741.0305, F.S.; conforming a cross-
 165 reference; providing severability; providing an
 166 appropriation and authorizing positions; providing an
 167 effective date.

168

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

170

171 Section 1. Legislative findings and declarations.-

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

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

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

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

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

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

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

200 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
201 entity by this chapter do not inure to any transaction that is
202 otherwise taxable under this chapter when payment is made by a
203 representative or employee of the entity by any means,
204 including, but not limited to, cash, check, or credit card, even
205 when that representative or employee is subsequently reimbursed
206 by the entity. In addition, exemptions provided to any entity by
207 this subsection do not inure to any transaction that is
208 otherwise taxable under this chapter unless the entity has

209 obtained a sales tax exemption certificate from the department
 210 or the entity obtains or provides other documentation as
 211 required by the department. Eligible purchases or leases made
 212 with such a certificate must be in strict compliance with this
 213 subsection and departmental rules, and any person who makes an
 214 exempt purchase with a certificate that is not in strict
 215 compliance with this subsection and the rules is liable for and
 216 shall pay the tax. The department may adopt rules to administer
 217 this subsection.

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

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

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

232 (3) After review is completed and it has been determined
 233 that an institution, organization, or individual is actively
 234 engaged in a bona fide exempt endeavor and is not subject to a

235 final disqualification order issued by the Department of
 236 Agriculture and Consumer Services pursuant to s. 496.430, the
 237 department shall reissue an exemption certificate to the entity.
 238 However, each certificate so reissued is valid for 5 consecutive
 239 years, at which time the review and reissuance procedure
 240 provided by this section applies ~~apply~~ again. If the department
 241 determines that an entity no longer qualifies for an exemption,
 242 it shall revoke the tax exemption certificate of the entity.

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

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

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

261 496.401-496.424 do not apply to political contributions
 262 solicited in accordance with the election laws of this state.

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

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

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

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

284 (3) "Charitable sales promotion" means an advertising or
 285 sales campaign conducted by a commercial co-venturer which
 286 represents that the purchase or use of goods or services offered

287 by the commercial co-venturer benefits ~~are to benefit~~ a
 288 charitable organization. The provision of advertising services
 289 to a charitable organization does not, in itself, constitute a
 290 charitable sales promotion.

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

296 (5) "Contribution" means the promise, pledge, or grant of
 297 ~~any~~ money or property, financial assistance, or any other thing
 298 of value in response to a solicitation. The term "Contribution"
 299 includes, in the case of a charitable organization or sponsor
 300 offering goods and services to the public, the difference
 301 between the direct cost of the goods and services to the
 302 charitable organization or sponsor and the price at which the
 303 charitable organization or sponsor or a ~~any~~ person acting on
 304 behalf of the charitable organization or sponsor resells those
 305 goods or services to the public. The term "Contribution" does
 306 not include:

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

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

313 grants or contracts;

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

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

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

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

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

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

333 (b) An official request for international assistance.

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

336 (10)-(8) "Educational institutions" means those
337 institutions and organizations described in s. 212.08(7)(cc)8.a.
338 The term includes private nonprofit organizations, the purpose

339 of which is to raise funds for schools teaching grades
340 kindergarten through grade 12, colleges, and universities,
341 including a ~~any~~ nonprofit newspaper of free or paid circulation
342 primarily on university or college campuses which holds a
343 current exemption from federal income tax under s. 501(c)(3) of
344 the Internal Revenue Code, an ~~any~~ educational television network
345 or system established pursuant to s. 1001.25 or s. 1001.26, and
346 a ~~any~~ nonprofit television or radio station that is a part of
347 such network or system and that holds a current exemption from
348 federal income tax under s. 501(c)(3) of the Internal Revenue
349 Code. The term also includes a nonprofit educational cable
350 consortium that holds a current exemption from federal income
351 tax under s. 501(c)(3) of the Internal Revenue Code, the ~~whose~~
352 primary purpose of which is the delivery of educational and
353 instructional cable television programming and the ~~whose~~ members
354 of which are composed exclusively of educational organizations
355 that hold a valid consumer certificate of exemption and that are
356 either an educational institution as defined in this subsection
357 or qualified as a nonprofit organization pursuant to s.
358 501(c)(3) of the Internal Revenue Code.

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

363 (12)-(10) "Federated fundraising organization" means a
364 federation of independent charitable organizations that ~~which~~

365 have voluntarily joined together, including, but not limited to,
 366 a united way or community chest, for purposes of raising and
 367 distributing contributions for and among themselves and where
 368 membership does not confer operating authority and control of
 369 the individual organization upon the federated group
 370 organization.

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

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

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

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

389 (15) "Management and general costs" means all such costs
 390 of a charitable organization or sponsor which are not

391 identifiable with a single program or fundraising activity but
 392 which are indispensable to the conduct of such programs and
 393 activities and the charitable organization or sponsor's
 394 existence.

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

400 (17)~~(14)~~ "Owner" means a ~~any~~ person who has a direct or
 401 indirect interest in a ~~any~~ professional fundraising consultant
 402 or professional solicitor.

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

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

411 (20)~~(17)~~ "Professional fundraising consultant" means a ~~any~~
 412 person who is retained by a charitable organization or sponsor
 413 for a fixed fee or rate under a written agreement to plan,
 414 manage, conduct, carry on, advise, consult, or prepare material
 415 for a solicitation of contributions in this state, ~~but who does~~
 416 not solicit contributions or employ, procure, or engage any

417 compensated person to solicit contributions and who does not at
 418 any time have custody or control of contributions. A bona fide
 419 volunteer or bona fide employee or salaried officer of a
 420 charitable organization or sponsor maintaining a permanent
 421 establishment in this state is not a professional fundraising
 422 consultant. An attorney, investment counselor, or banker who
 423 advises an individual, corporation, or association to make a
 424 charitable contribution is not a professional fundraising
 425 consultant as the result of such advice.

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

443 such advice.

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

447 (23)~~(19)~~ "Religious institution" means a ~~any~~ church,
 448 ecclesiastical or denominational organization, or established
 449 physical place for worship in this state at which nonprofit
 450 religious services and activities are regularly conducted and
 451 carried on, ~~and includes those bona fide religious groups that~~
 452 ~~which~~ do not maintain specific places of worship. The term
 453 ~~"Religious institution"~~ also includes a ~~any~~ separate group or
 454 corporation that ~~which~~ forms an integral part of a religious
 455 institution that ~~which~~ is exempt from federal income tax under
 456 ~~the provisions of~~ s. 501(c)(3) of the Internal Revenue Code, ~~and~~
 457 that ~~which~~ is not primarily supported by funds solicited outside
 458 its own membership or congregation.

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

469 (a) Making any oral or written request;

470 (b) Making any announcement to the press, on radio or

471 television, by telephone or telegraph, or by any other

472 communication device concerning an appeal or campaign by or for

473 any charitable organization or sponsor or for any charitable or

474 sponsor purpose;

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

476 handbill, written advertisement, or other publication that

477 directly or by implication seeks to obtain any contribution; or

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

479 advertisement, advertising space, book, card, coupon, chance,

480 device, magazine, membership, merchandise, subscription,

481 sponsorship, flower, admission, ticket, food, or other service

482 or tangible good, item, or thing of value, or any right of any

483 description in connection with which any appeal is made for any

484 charitable organization or sponsor or charitable or sponsor

485 purpose, or when the name of any charitable organization or

486 sponsor is used or referred to in any such appeal as an

487 inducement or reason for making the sale or when, in connection

488 with the sale or offer or attempt to sell, any statement is made

489 that all or part of the proceeds from the sale will be used for

490 any charitable or sponsor purpose or will benefit any charitable

491 organization or sponsor.

492

493 A solicitation is considered as having taken place regardless of

494 whether ~~or not~~ the person making the solicitation receives any

495 contribution. A solicitation does not occur when a person
 496 applies for a grant or an award to the government or to an
 497 organization that is exempt from federal income taxation under
 498 s. 501(a) of the Internal Revenue Code and described in s.
 499 501(c) of the Internal Revenue Code and is duly registered with
 500 the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

573 ~~financial report with the department.~~

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

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

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

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

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

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

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

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

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

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

640 (4)

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

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

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

677 must be issued within 5 business ~~working~~ days after the hearing.
 678 The proceedings must be conducted in accordance with chapter
 679 120, except that the time limits and provisions set forth in
 680 this paragraph ~~subsection~~ prevail to the extent of any conflict.

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

692 (8) A ~~No~~ charitable organization or sponsor, or an
 693 officer, director, trustee, or employee thereof, may not ~~shall~~
 694 knowingly allow an officer, director, trustee, or employee of
 695 the charitable organization or sponsor ~~any of its officers,~~
 696 ~~directors, trustees, or employees~~ to solicit contributions on
 697 behalf of such charitable organization or sponsor if such
 698 officer, director, trustee, or employee has, in any state,
 699 regardless of adjudication, been convicted of, been ~~or~~ found
 700 guilty of, or pled guilty or nolo contendere to, or has been
 701 incarcerated within the last 10 years as a result of having
 702 previously been convicted of, been ~~or~~ found guilty of, or pled

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

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

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

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

725 496.4055 Charitable organization or sponsor board duties.—

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

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

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

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

748 496.407 Financial statement report.—

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

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

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

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

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

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

766 ~~a.1.~~ Program service costs.

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

768 ~~c.3.~~ Fundraising costs.

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

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

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

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

781 accountant.

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

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

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

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

793 (2)(a) In lieu of the financial ~~statement report~~ described
794 in subsection (1), a charitable organization or sponsor may
795 submit a copy of its Internal Revenue Service Form 990 and all
796 attached schedules filed for the preceding fiscal year, or a
797 copy of its Internal Revenue Service Form 990-EZ and Schedule O
798 filed for the preceding fiscal year. A charitable organization
799 or sponsor that submits such forms or schedules may redact
800 information that is not subject to public inspection pursuant to
801 26 U.S.C. s. 6104(d)(3) before submission.

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

807 business.

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

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

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

830 496.4071 Supplemental financial disclosure.-

831 (1) If, for the immediately preceding fiscal year, a
832 charitable organization or sponsor had more than \$1 million in

833 total revenue and spent less than 25 percent of the organization
834 or sponsor's total annual functional expenses on program service
835 costs, in addition to any financial statement required under s.
836 496.407, the charitable organization or sponsor shall file the
837 following supplemental financial information on a form
838 prescribed by the department:

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

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

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

847 3. Travel expenses.

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

850 (b) The names of and specific sums earned by or paid to
851 all employees or consultants who earned or were paid more than
852 \$100,000 during the immediately preceding fiscal year.

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

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

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

875 (f) Any additional clarifying information.

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

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

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

884 (1) A charitable organization or sponsor that solicits

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

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

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

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

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

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

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

926 (6) (a) The department shall examine each registration
 927 statement and all supporting documents filed by a professional
 928 fundraising consultant and determine whether the registration
 929 requirements are satisfied. If the department determines that
 930 the registration requirements are not satisfied, the department
 931 must notify the professional fundraising consultant within 15
 932 business ~~working~~ days after its receipt of the registration
 933 statement; otherwise the registration statement is approved.
 934 Within 7 business ~~working~~ days after receipt of a notification
 935 that the registration requirements are not satisfied, the
 936 applicant may request a hearing. The hearing must be held within

937 7 business ~~working~~ days after receipt of the request, and any
938 recommended order, if one is issued, must be rendered within 3
939 business ~~working~~ days after the hearing. The final order must
940 then be issued within 2 business ~~working~~ days after the
941 recommended order. If a ~~there is no~~ recommended order is not
942 issued, the final order must be issued within 5 business ~~working~~
943 days after the hearing. The proceedings must be conducted in
944 accordance with chapter 120, except that the time limits and
945 provisions set forth in this paragraph ~~subsection~~ prevail to the
946 extent of any conflict.

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

957 (9) A ~~No~~ person may not act as a professional fundraising
958 consultant, and a ~~no~~ professional fundraising consultant, or an
959 officer, director, trustee, or employee thereof, may not ~~shall~~
960 knowingly employ an ~~any~~ officer, trustee, director, or employee,
961 if such person has, in any state, regardless of adjudication,
962 been convicted of, been ~~or~~ found guilty of, or pled guilty or

963 nolo contendere to, or has been incarcerated within the last 10
 964 years as a result of having previously been convicted of, been
 965 ~~or~~ found guilty of, or pled guilty or nolo contendere to, a any
 966 crime within the last 10 years involving fraud, theft, larceny,
 967 embezzlement, fraudulent conversion, or misappropriation of
 968 property, or a any crime arising from the conduct of a
 969 solicitation for a charitable organization or sponsor, or has
 970 been enjoined in any state from violating a any law relating to
 971 a charitable solicitation.

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

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

984 496.410 Registration and duties of professional
 985 solicitors.—

986 (2) Applications for registration or renewal of
 987 registration must be submitted on a form prescribed by rule of
 988 the department, signed by an authorized official of the

989 professional solicitor who shall certify that the report is true
 990 and correct, and must include the following information:

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

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

1000 (k) A copy of any script, outline, or presentation used by
 1001 the applicant to solicit contributions or, if such solicitation
 1002 aids are not used, written confirmation thereof.

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

1006 (3) The application for registration must be accompanied
 1007 by a fee of \$300. ~~A professional solicitor that is a partnership~~
 1008 ~~or corporation may register for and pay a single fee on behalf~~
 1009 ~~of all of its partners, members, officers, directors, agents,~~
 1010 ~~and employees. In that case,~~ The names and street addresses of
 1011 all the officers, employees, and agents of the professional
 1012 solicitor and all other persons with whom the professional
 1013 solicitor has contracted to work under its direction, including
 1014 solicitors, must be listed in the application or furnished to

1015 the department within 5 days after the date of employment or
1016 contractual arrangement. Each registration is valid for 1 year
1017 ~~and. The registration~~ may be renewed for an additional 1-year
1018 period upon application to the department and payment of the
1019 registration fee.

1020 (5) (a) The department must examine each registration
1021 statement and supporting documents filed by a professional
1022 solicitor. If the department determines that the registration
1023 requirements are not satisfied, the department must notify the
1024 professional solicitor within 15 business ~~working~~ days after its
1025 receipt of the registration statement; otherwise the
1026 registration statement is approved. Within 7 business ~~working~~
1027 days after receipt of a notification that the registration
1028 requirements are not satisfied, the applicant may request a
1029 hearing. The hearing must be held within 7 business ~~working~~ days
1030 after receipt of the request, and any recommended order, if one
1031 is issued, must be rendered within 3 business ~~working~~ days after
1032 the hearing. The final order must then be issued within 2
1033 business ~~working~~ days after the recommended order. If ~~a there is~~
1034 ~~no~~ recommended order is not issued, the final order must be
1035 issued within 5 business ~~working~~ days after the hearing. The
1036 proceedings must be conducted in accordance with chapter 120,
1037 except that the time limits and provisions set forth in this
1038 paragraph ~~subsection~~ prevail to the extent of any conflict.

1039 (b) If a professional solicitor discloses information
1040 specified in paragraphs (2)(f)-(h) in the initial application

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

1049 (6) No less than 15 days before commencing any
1050 solicitation campaign or event, the professional solicitor must
1051 file with the department a solicitation notice on a form
1052 prescribed by the department. The notice must be signed and
1053 sworn to by the contracting officer of the professional
1054 solicitor and must include:

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

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

1064 (k) A statement as to whether an owner, director, officer,
1065 trustee, or employee of the professional solicitor is related as
1066 a parent, spouse, child, sibling, grandparent, grandchild,

1067 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
 1068 mother-in-law, or father-in-law to:

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

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

1074 3. A supplier or vendor providing goods or services to a
 1075 charitable organization or sponsor under contract with the
 1076 professional solicitor.

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

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

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

1086 (7) A professional solicitor may enter into a contract or
 1087 agreement with a charitable organization or sponsor only if the
 1088 charitable organization or sponsor has complied with all
 1089 applicable provisions of this chapter. A ~~Each~~ contract or
 1090 agreement between a professional solicitor and a charitable
 1091 organization or sponsor for each solicitation campaign must be
 1092 in writing, signed by two authorized officials of the charitable

1093 organization or sponsor, one of whom must be a member of the
1094 organization's governing body and one of whom must be the
1095 authorized contracting officer for the professional solicitor,
1096 and contain all of the following provisions:

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

1099 (b) A statement of the respective obligations of the
1100 professional solicitor and the charitable organization or
1101 sponsor.

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

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

1119 all of the relevant facts known to the professional solicitor
 1120 regarding the solicitation to be conducted by the professional
 1121 solicitor.

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

1123 (14) A ~~no~~ person may not act as a professional solicitor,
 1124 and a ~~no~~ professional solicitor, or an officer, director,
 1125 trustee, or employee thereof, may not ~~shall~~, to solicit for
 1126 compensation, knowingly employ ~~an~~ any officer, trustee,
 1127 director, ~~or~~ employee, or a ~~any~~ person with a controlling
 1128 interest therein, who has, in any state, regardless of
 1129 adjudication, been convicted of, been ~~or~~ found guilty of, or
 1130 pled guilty or nolo contendere to, or has been incarcerated
 1131 within the last 10 years as a result of having previously been
 1132 convicted of, been ~~or~~ found guilty of, or pled guilty or nolo
 1133 contendere to, a felony within the last 10 years involving
 1134 fraud, theft, larceny, embezzlement, fraudulent conversion, or
 1135 misappropriation of property, or a ~~any~~ crime arising from the
 1136 conduct of a solicitation for a charitable organization or
 1137 sponsor, or has been enjoined in any state from violating a ~~any~~
 1138 law relating to a charitable solicitation. The prohibitions in
 1139 this subsection also apply to a misdemeanor in another state
 1140 which constitutes a disqualifying felony in this state.

1141 (15) The department may deny or revoke the registration of
 1142 a professional solicitor if the professional solicitor, or any
 1143 of its officers, directors, trustees, or agents, has had the
 1144 right to solicit contributions revoked in any state or has been

1145 ordered by a court or governmental agency to cease soliciting
1146 contributions within any state.

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

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

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

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

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

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

1170 (b) Whether the applicant, in any state, regardless of

1171 adjudication, has previously been convicted of, been found
1172 guilty of, or pled guilty or nolo contendere to, or has been
1173 incarcerated within the last 10 years as a result of having
1174 previously been convicted of, been found guilty of, or pled
1175 guilty or nolo contendere to, a crime within the last 10 years
1176 involving fraud, theft, larceny, embezzlement, fraudulent
1177 conversion, or misappropriation of property, or a crime arising
1178 from the conduct of a solicitation for a charitable organization
1179 or sponsor, or has been enjoined in any state from violating a
1180 law relating to a charitable solicitation.

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

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

1197 (b) Fees for state and federal fingerprint processing and
1198 fingerprint retention fees shall be borne by the applicant. The
1199 state cost for fingerprint processing is that authorized in s.
1200 943.053(3) (b) for records provided to persons or entities other
1201 than those specified as exceptions therein.

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

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

1223 applicant shall pay the state and national retention fee to the
1224 department, which shall forward the fee to the Department of Law
1225 Enforcement.

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

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

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

1234 (5) An applicant for a solicitor license shall remit a
1235 license fee of \$100 to the department at the time the initial
1236 application is filed with the department and an annual renewal
1237 fee of \$100 thereafter. All fees collected, less the cost of
1238 administration, shall be deposited into the General Inspection
1239 Trust Fund.

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

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

1248 (a) For an applicant to provide inaccurate or incomplete

1249 information to the department in the initial or renewal
 1250 application for a solicitor license.

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

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

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

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

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

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

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

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

1275 point of solicitation:

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

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

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

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

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

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

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

1305

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

1311

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

1322 (6) Each charitable organization or sponsor that is
 1323 required to register under s. 496.405 shall conspicuously
 1324 display the organization ~~organization's~~ or sponsor's
 1325 registration number issued by the department under this chapter
 1326 on every printed solicitation, written confirmation, receipt, or

1327 reminder of a contribution. If the solicitation consists of more
 1328 than a single item, the statement shall be displayed prominently
 1329 in the solicitation materials.

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

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

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

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

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

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

1345 3. The name and state of the principal place of business
 1346 of the charitable organization or sponsor and a description of
 1347 how the contributions raised by the solicitation will be used
 1348 for a charitable or sponsor purpose; or, if there is no
 1349 charitable organization or sponsor, a description as to how the
 1350 contributions raised by the solicitation will be used for a
 1351 charitable or sponsor purpose.

1352 (b) In the case of a solicitation campaign conducted

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

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

1362

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

1369

1369 The statement must include a toll-free number and website for
1370 the division which ~~that~~ can be used to obtain the registration
1371 information. If ~~When~~ the solicitation consists of more than one
1372 piece, the statement must be displayed prominently in the
1373 solicitation materials. If the solicitation occurs on a website,
1374 the statement must be conspicuously displayed on any webpage
1375 that identifies a mailing address where contributions are to be
1376 sent, identifies a telephone number to call to process
1377 contributions, or provides for online processing of
1378 contributions.

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

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

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

1398 496.4121 Collection receptacles used for donations.-

1399 (1) As used in this section, the term "collection
 1400 receptacle" means a receptacle used to collect donated clothing,
 1401 household items, or other goods for resale.

1402 (2) A collection receptacle must display a permanent sign
 1403 or label on each side which contains the following information
 1404 printed in letters that are at least 3 inches in height and no

1405 less than one-half inch in width, in a color that contrasts with
 1406 the color of the collection receptacle:

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

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

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

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

1425 496.415 Prohibited acts.—It is unlawful for any person in
 1426 connection with the planning, conduct, or execution of any
 1427 solicitation or charitable or sponsor sales promotion to:

1428 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate
 1429 information in a document that is filed with the department,
 1430 provided to the public, or offered in response to a request or

1431 investigation by the department, the Department of Legal
 1432 Affairs, or the state attorney.

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

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

1442 496.419 Powers of the department.—

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

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

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

1450 (c) Refusing to register or canceling or suspending a
 1451 registration;

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

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

1455 (f) Except as provided in paragraph (g), imposing an
 1456 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or

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

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

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

1469 496.4191 Additional penalty; immediate suspension.—Upon
 1470 notification and subsequent written verification by a law
 1471 enforcement agency, a court, a state attorney, or the Department
 1472 of Law Enforcement, the department shall immediately suspend a
 1473 registration or the processing of an application for a
 1474 registration if the registrant, applicant, or an officer or
 1475 director of the registrant or applicant is formally charged with
 1476 a crime involving fraud, theft, larceny, embezzlement, or
 1477 fraudulent conversion or misappropriation of property or a crime
 1478 arising from the conduct of a solicitation for a charitable
 1479 organization or sponsor until final disposition of the case or
 1480 removal or resignation of that officer or director.

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

1483 496.430 Disqualification for certain tax exemptions.-
1484 (1) In addition to the penalties provided for in s.
1485 496.419(5), the department may issue an order to disqualify a
1486 charitable organization or sponsor from receiving any sales tax
1487 exemption certificate issued by the Department of Revenue if the
1488 department finds a violation of s. 496.419(4).

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

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

1500 (4) The department shall provide a disqualification order
1501 to the Department of Revenue within 30 days after such order
1502 becomes final. A final disqualification order is conclusive as
1503 to the charitable organization or sponsor's entitlement to a
1504 sales tax exemption. The Department of Revenue shall revoke a
1505 sales tax exemption certificate granted to, or refuse to grant a
1506 sales tax exemption certificate to, a charitable organization or
1507 sponsor subject to a final disqualification order within 30 days
1508 after receiving such disqualification order. A charitable

1509 organization or sponsor may not appeal or challenge the
 1510 revocation or denial of a sales tax exemption certificate by the
 1511 Department of Revenue if such revocation or denial is based upon
 1512 a final disqualification order issued pursuant to this section.

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

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

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

- 1520 1. A psychologist licensed under chapter 490.
- 1521 2. A clinical social worker licensed under chapter 491.
- 1522 3. A marriage and family therapist licensed under chapter
 1523 491.
- 1524 4. A mental health counselor licensed under chapter 491.
- 1525 5. An official representative of a religious institution
 1526 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the
 1527 representative has relevant training.

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

1533 Section 22. If any provision of this act or its
 1534 application to any person or circumstance is held invalid, the

1535 invalidity does not affect other provisions or applications of
1536 the act which can be given effect without the invalid provision
1537 or application, and to this end the provisions of this act are
1538 severable.

1539 Section 23. For the 2014-2015 fiscal year, the sums of
1540 \$235,352 in recurring funds and \$239,357 in nonrecurring funds
1541 from the General Inspection Trust Fund are appropriated to the
1542 Department of Agriculture and Consumer Services, and 4 full-time
1543 equivalent positions with associated salary rate of 143,264 are
1544 authorized, for the purpose of implementing this act.

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