



CS/CS/HB 629, Engrossed 2

2014

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



CS/CS/HB 629, Engrossed 2

2014

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



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



CS/CS/HB 629, Engrossed 2

2014

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;



CS/CS/HB 629, Engrossed 2

2014

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



CS/CS/HB 629, Engrossed 2

2014

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



CS/CS/HB 629, Engrossed 2

2014

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

165

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

167

168 Section 1. Legislative findings and declarations.—

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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





CS/CS/HB 629, Engrossed 2

2014

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

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

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



CS/CS/HB 629, Engrossed 2

2014

226 section, to read:

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

251 to read:

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

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

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

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



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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

330 (b) An official request for international assistance.

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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

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





CS/CS/HB 629, Engrossed 2

2014

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

466 (a) Making any oral or written request;

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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



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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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





CS/CS/HB 629, Engrossed 2

2014

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

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



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

637 (4)

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

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



CS/CS/HB 629, Engrossed 2

2014

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



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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

722 | 496.4055 Charitable organization or sponsor board duties.-

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

745 496.407 Financial statement ~~report~~.—

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



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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

790 (2)(a) In lieu of the financial ~~statement~~ ~~report~~ described  
791 in subsection (1), a charitable organization or sponsor may  
792 submit a copy of its Internal Revenue Service Form 990 and all  
793 attached schedules filed for the preceding fiscal year~~7~~ or a  
794 copy of its Internal Revenue Service Form 990-EZ and Schedule O  
795 filed for the preceding fiscal year. A charitable organization  
796 or sponsor that submits such forms or schedules may redact  
797 information that is not subject to public inspection pursuant to  
798 26 U.S.C. s. 6104(d) (3) before submission.

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





CS/CS/HB 629, Engrossed 2

2014

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

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

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

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



826 to read:

827 496.4071 Supplemental financial disclosure.-

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

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

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

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

844 3. Travel expenses.

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

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

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



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

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

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

872 (f) Any additional clarifying information.

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



876 receiving a request for such information from the department.

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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



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

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



CS/CS/HB 629, Engrossed 2

2014

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

954 (9) A ~~No~~ person may not act as a professional fundraising  
955 consultant, and a ~~no~~ professional fundraising consultant, or an  
956 officer, director, trustee, or employee thereof, may not ~~shall~~  
957 knowingly employ an ~~any~~ officer, trustee, director, or employee,  
958 if such person has, in any state, regardless of adjudication,  
959 been convicted of, been ~~or~~ found guilty of, or pled guilty or  
960 nolo contendere to, or has been incarcerated within the last 10  
961 years as a result of having previously been convicted of, been  
962 ~~or~~ found guilty of, or pled guilty or nolo contendere to, a ~~any~~  
963 crime within the last 10 years involving fraud, theft, larceny,  
964 embezzlement, fraudulent conversion, or misappropriation of  
965 property, or a ~~any~~ crime arising from the conduct of a  
966 solicitation for a charitable organization or sponsor, or has  
967 been enjoined in any state from violating a ~~any~~ law relating to  
968 a charitable solicitation.

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

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



CS/CS/HB 629, Engrossed 2

2014

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

981 496.410 Registration and duties of professional  
982 solicitors.—

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

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

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

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

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





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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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



1051 solicitor and must include:

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

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

1120 (14) A ~~No~~ person may not act as a professional solicitor,  
1121 and a ~~no~~ professional solicitor, or an officer, director,  
1122 trustee, or employee thereof, may not shall, to solicit for  
1123 compensation, knowingly employ an ~~any~~ officer, trustee,  
1124 director, or employee, or a ~~any~~ person with a controlling  
1125 interest therein, who has, in any state, regardless of



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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



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

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

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

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

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





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

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

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



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



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

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

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

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

1294  
1295 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1296 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
1297 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
1298 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
1299 APPROVAL, OR RECOMMENDATION BY THE STATE."  
1300



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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



CS/CS/HB 629, Engrossed 2

2014

1376 calling the division's toll-free number.

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

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

1387 496.4121 Collection receptacles used for donations.-

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

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

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

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





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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

1431 496.419 Powers of the department.—

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

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

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

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

1472 496.430 Disqualification for certain tax exemptions.—

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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



CS/CS/HB 629, Engrossed 2

2014

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

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

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

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

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

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

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

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

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



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

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

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