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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/24/2014	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1157 - 1359
and insert:
solicitor conducting telephonic solicitations during which a donor's or potential donor's personal financial information is requested or provided must, before engaging in solicitation activities, obtain a solicitor license from the department. As used in this subsection the term "personal financial information" includes, but is not limited to, social security



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11 numbers, credit card numbers, banking information, and credit
12 reports.

13 (2) Persons required to obtain a solicitor license under
14 subsection (1) shall submit to the department, in such form as
15 the department prescribes, an application for a solicitor
16 license. The application must include all of the following
17 information:

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

21 (b) If the applicant, in any state, regardless of
22 adjudication, has previously been convicted of, or found guilty
23 of, or pled guilty or nolo contendere to, or has been
24 incarcerated within the last 10 years as a result of having
25 previously been convicted of, or found guilty of, or pled guilty
26 or nolo contendere to, any crime within the last 10 years
27 involving fraud, theft, larceny, embezzlement, fraudulent
28 conversion, or misappropriation of property, or any crime
29 arising from the conduct of a solicitation for a charitable
30 organization or sponsor, or has been enjoined, in any state,
31 from violating any law relating to a charitable solicitation.

32 (c) If the applicant, in any state, is involved in pending
33 litigation or has had entered against her or him an injunction,
34 a temporary restraining order, or a final judgment or order,
35 including a stipulated judgment or order, an assurance of
36 voluntary compliance, cease and desist, or any similar document,
37 in any civil or administrative action involving fraud, theft,
38 larceny, embezzlement, fraudulent conversion, or
39 misappropriation of property, or has been enjoined from



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40 violating any law relating to a charitable solicitation.

41 (3) (a) Each applicant shall submit a complete set of his or
42 her fingerprints to an agency, entity, or vendor authorized by
43 s. 943.053(13). The fingerprints shall be forwarded to the
44 Department of Law Enforcement for state processing, and the
45 Department of Law Enforcement shall forward the fingerprints to
46 the Federal Bureau of Investigation for national processing.

47 (b) Fees for state and national fingerprint processing and
48 retention shall be borne by the applicant. The state cost for
49 fingerprint processing is that authorized in s. 943.053(3) (b)
50 for records provided to persons or entities other than those
51 specified as exceptions therein.

52 (c) All fingerprints submitted to the Department of Law
53 Enforcement as required under this subsection shall be retained
54 by the Department of Law Enforcement as provided under s.
55 943.05(2) (g) and (h) and enrolled in the Federal Bureau of
56 Investigation's national retained print arrest notification
57 program. Fingerprints may not be enrolled in the national
58 retained print arrest notification program until the Department
59 of Law Enforcement begins participation with the Federal Bureau
60 of Investigation. Arrest fingerprints will be searched against
61 the retained prints by the Department of Law Enforcement and the
62 Federal Bureau of Investigation.

63 (d) For any renewal of the applicant's license, the
64 department shall request the Department of Law Enforcement to
65 forward the retained fingerprints of the applicant to the
66 Federal Bureau of Investigation unless the applicant is enrolled
67 in the national retained print arrest notification program
68 described in paragraph (c). The fee for the national criminal



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69 history check will be paid as part of the renewal fee to the
70 department and forwarded by the department to Department of Law
71 Enforcement. If the applicant's fingerprints are retained in the
72 national retained print arrest notification program, the
73 applicant shall pay the state and national retention fee to the
74 department which will forward the fee to the Department of Law
75 Enforcement.

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

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

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

84 (5) Each applicant for a solicitor license shall remit a
85 license fee of \$50 to the department at the time the initial
86 application is filed with the department and an annual renewal
87 fee of \$50 thereafter. All fees collected, less the cost of
88 administration, shall be deposited into the General Inspection
89 Trust Fund.

90 (6) Any material change to the information submitted to the
91 department in the initial application or renewal application for
92 a solicitor license shall be reported to the department by the
93 applicant or licensee within 10 days after the change occurs.
94 The applicant or licensee shall also remit a fee in the amount
95 of \$10 for processing the change to the initial or renewal
96 application.

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



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98 (a) For an applicant to provide inaccurate or incomplete
99 information to the department in the initial or renewal
100 application for a solicitor license.

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

103 (c) For a professional solicitor to allow, require, permit,
104 or authorize an employee without an active solicitor license
105 issued under this section to conduct telephonic solicitations.

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

109 (9) The department may deny or revoke any solicitor license
110 if the applicant or licensee has had the right to solicit
111 contributions revoked in any state, has been ordered by any
112 court or governmental agency to cease soliciting contributions
113 within any state, or is subject to any disqualification
114 specified in s. 496.410(14).

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

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

120 496.411 Disclosure requirements and duties of charitable
121 organizations and sponsors.-

122 (2) A charitable organization or sponsor soliciting in this
123 state must include all of the following disclosures at the point
124 of solicitation:

125 (a) The name of the charitable organization or sponsor and
126 state of the principal place of business of the charitable



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127 organization or sponsor.~~†~~

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

130 (c) Upon request, the name and either the address or
131 telephone number of a representative to whom inquiries could be
132 addressed.~~†~~

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

136 (e) Upon request, the source from which a written financial
137 statement may be obtained. Such financial statement must be for
138 the immediate preceding ~~past~~ fiscal year and must be consistent
139 with the annual financial statement ~~report~~ filed under s.
140 496.407. The written financial statement must be provided within
141 14 days after the request and must state the purpose for which
142 funds are raised, the total amount of all contributions raised,
143 the total costs and expenses incurred in raising contributions,
144 the total amount of contributions dedicated to the stated
145 purpose or disbursed for the stated purpose, and whether the
146 services of another person or organization have been contracted
147 to conduct solicitation activities.

148 (3) Every charitable organization or sponsor that ~~which~~ is
149 required to register under s. 496.405 or is exempt under s.
150 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~
151 ~~letters~~ the following statement on every ~~printed~~ solicitation,
152 ~~written~~ confirmation, receipt, or reminder of a contribution:
153

154 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
155 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF



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156 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
157 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
158 APPROVAL, OR RECOMMENDATION BY THE STATE.”
159

160 The statement must include a toll-free number and website for
161 the division which ~~that~~ can be used to obtain the registration
162 information. If ~~When~~ the solicitation consists of more than one
163 piece, the statement must be displayed prominently in the
164 solicitation materials. If the solicitation occurs through a
165 website, the statement must be conspicuously displayed on any
166 webpage that identifies a mailing address where contributions
167 are to be sent, identifies a telephone number to call to process
168 contributions, or provides for online processing of
169 contributions.

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

172 496.412 Disclosure requirements and duties of professional
173 solicitors.—

174 (1) A professional solicitor must comply with and be
175 responsible for complying or causing compliance with the
176 following disclosures:

177 (a) Before ~~Prior to~~ orally requesting a contribution, or
178 contemporaneously with a written request for a contribution, a
179 professional solicitor must clearly disclose:

180 1. The name of the professional solicitor as on file with
181 the department.

182 2. If the individual acting on behalf of the professional
183 solicitor identifies himself or herself by name, the
184 individual's legal name.



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185 3. The name and state of the principal place of business of
186 the charitable organization or sponsor and a description of how
187 the contributions raised by the solicitation will be used for a
188 charitable or sponsor purpose; or, if there is no charitable
189 organization or sponsor, a description as to how the
190 contributions raised by the solicitation will be used for a
191 charitable or sponsor purpose.

192 (b) In the case of a solicitation campaign conducted
193 orally, whether by telephone or otherwise, any written
194 confirmation, receipt, or reminder sent to any person who has
195 contributed or has pledged to contribute, shall include a clear
196 disclosure of the information required by paragraph (a).

197 (c) In addition to the information required by paragraph
198 (a), any written confirmation, receipt, or reminder of
199 contribution made pursuant to an oral solicitation and any
200 ~~written~~ solicitation shall conspicuously state ~~in capital~~
201 ~~letters~~:

202
203 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
204 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
205 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
206 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
207 APPROVAL, OR RECOMMENDATION BY THE STATE."

208
209 The statement must include a toll-free number and website for
210 the division which ~~that~~ can be used to obtain the registration
211 information. If ~~When~~ the solicitation consists of more than one
212 piece, the statement must be displayed prominently in the
213 solicitation materials. If the solicitation occurs through a



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214 website, the statement must be conspicuously displayed on any
215 webpage that identifies a mailing address where contributions
216 are to be sent, identifies a telephone number to call to process
217 contributions, or provides for online processing of
218 contributions.

219
220 ===== T I T L E A M E N D M E N T =====

221 And the title is amended as follows:

222 Delete lines 124 - 131

223 and insert:

224 certain telephonic solicitations to obtain a solicitor
225 license from the department; specifying application
226 information and the application procedure for a
227 solicitor license; requiring that each applicant for a
228 solicitor license submit a complete set of their
229 fingerprints to certain agencies, entities, or
230 vendors; requiring that the applicant's fingerprints
231 be submitted to the Department