

By the Committee on Commerce and Tourism; and Senator Brandes

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1                                   A bill to be entitled  
2       An act relating to charities; amending s. 212.08,  
3       F.S.; excluding charitable organizations or sponsors  
4       disqualified by the Department of Agriculture and  
5       Consumer Services from receiving certain tax  
6       exemptions; amending s. 212.084, F.S.; requiring the  
7       Department of Revenue to revoke or deny a sales tax  
8       exemption to charitable organizations or sponsors  
9       disqualified by the department; providing for a  
10      limited appeal of the denial or revocation of the  
11      sales tax exemption; amending s. 496.404, F.S.;  
12      defining terms; redefining the term "religious  
13      institution"; amending s. 496.405, F.S.; revising the  
14      timeframe within which a charitable organization or  
15      sponsor must report changes to certain information  
16      provided to the department on an initial or renewal  
17      registration statement; providing for the automatic  
18      expiration of a registration for failure to file a  
19      renewal or financial statement by a certain date;  
20      repealing a requirement that the renewal statement be  
21      filed subsequent to the financial statement; repealing  
22      authorization to extend the time to file a renewal  
23      statement; specifying the information that must be  
24      submitted by a parent organization on a consolidated  
25      financial statement; extending the time allowed for  
26      the department to review certain initial or renewal  
27      registration statements; providing that failure of a  
28      charitable organization or sponsor to make certain  
29      disclosures in a registration statement results in the

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30 automatic suspension of an active registration for a  
31 specified period; prohibiting the officers, directors,  
32 trustees, or employees of a charitable organization or  
33 sponsor from allowing certain persons to solicit  
34 contributions on behalf of the charitable organization  
35 or sponsor; specifying that the prohibition against  
36 certain persons soliciting contributions on behalf of  
37 a charitable organization or sponsor due to the  
38 commission of certain felonies includes those felonies  
39 committed in any state as well as any misdemeanor in  
40 another state which constitutes a disqualifying felony  
41 in this state; authorizing the department to deny or  
42 revoke the registration of a charitable organization  
43 or sponsor under certain circumstances; requiring a  
44 charitable organization or sponsor that has ended  
45 solicitation activities in this state to notify the  
46 department in writing; making technical changes;  
47 creating s. 496.4055, F.S.; defining the term  
48 "conflict of interest transaction"; requiring the  
49 board of directors of a charitable organization or  
50 sponsor, or an authorized committee thereof, to adopt  
51 a policy regarding conflict of interest transactions;  
52 amending s. 496.407, F.S.; requiring that the  
53 financial statements of certain charitable  
54 organizations or sponsors be audited or reviewed;  
55 specifying requirements and standards for the audit or  
56 review of a financial statement; restricting the use  
57 of an existing alternative to the required annual  
58 financial statement to certain charities; authorizing

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59 the department to require an audit or review of any  
60 financial statement and to extend the time to file a  
61 financial statement under certain circumstances;  
62 providing that the registration of a charitable  
63 organization or sponsor be suspended upon its failure  
64 to file a financial statement within an extension  
65 period; making technical changes; creating s.  
66 496.4071, F.S.; requiring certain charitable  
67 organizations or sponsors to report specified  
68 supplemental financial information to the department  
69 by a certain date; creating s. 496.4072, F.S.;

70 requiring certain charitable organizations or sponsors  
71 who solicit contributions for a specific disaster  
72 relief effort to submit quarterly financial statements  
73 to the department; specifying information to be  
74 included in the quarterly financial statement and the  
75 length of the required reporting period; amending ss.  
76 496.409 and 496.410, F.S.; prohibiting a professional  
77 fundraising consultant or professional solicitor from  
78 entering into a contract or agreement with a  
79 charitable organization or sponsor that has not  
80 complied with certain requirements; extending the time  
81 that the department may review initial or renewal  
82 registration statements of professional fundraising  
83 consultants or professional solicitors which contain  
84 certain disclosures; providing that the failure of a  
85 professional fundraising consultant or professional  
86 solicitor to make certain disclosures in an initial or  
87 renewal registration statement results in automatic

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88 suspension of an active registration; prohibiting the  
89 officers, trustees, directors, or employees of a  
90 professional fundraising consultant or a professional  
91 solicitor from allowing certain persons to solicit  
92 contributions on behalf of the professional  
93 fundraising consultant or professional solicitor;  
94 specifying that the prohibition against acting as a  
95 professional solicitor or the employment of certain  
96 persons by a professional solicitor due to the  
97 commission of certain felonies includes those felonies  
98 committed in any state as well as any misdemeanor in  
99 another state which constitutes a disqualifying felony  
100 in this state; authorizing the department to deny or  
101 revoke the registration of a professional fundraising  
102 consultant or professional solicitor under certain  
103 circumstances; revising required information in the  
104 initial or renewal application of a professional  
105 solicitor; repealing a provision authorizing the  
106 payment of a single registration fee for certain  
107 professional solicitors; requiring a professional  
108 solicitor to provide additional specified information  
109 to the department in a solicitation notice; creating  
110 s. 496.4101, F.S.; requiring each officer, director,  
111 trustee, or owner of a professional solicitor and any  
112 employee of a professional solicitor that conducts  
113 telephone solicitations to obtain a solicitor license  
114 from the department; specifying application  
115 information and the application procedure for a  
116 solicitor license; requiring each applicant for a

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117 solicitor license to submit a complete set of his or  
118 her fingerprints and a fee for fingerprint processing  
119 and retention to the department; requiring the  
120 department to submit the applicant's fingerprints to  
121 the Department of Law Enforcement for a criminal  
122 history background check; providing for retention of  
123 the fingerprints; requiring the department to notify  
124 the Department of Law Enforcement of individuals who  
125 are no longer licensed; requiring that a solicitor  
126 license be renewed annually or expire automatically  
127 upon nonrenewal; requiring that an applicant for a  
128 solicitor license pay certain licensing fees;  
129 providing that licensing fees be deposited into the  
130 General Inspection Trust Fund; requiring that an  
131 applicant for a solicitor license report changes in  
132 information submitted to the department in a specified  
133 manner along with a processing fee; specifying  
134 violations; requiring the department to adopt rules  
135 allowing certain persons to engage in solicitation  
136 activities without a solicitor license for a specified  
137 period; authorizing the department to deny or revoke a  
138 solicitor license under specified circumstances;  
139 amending ss. 496.411 and 496.412, F.S.; expanding and  
140 revising required solicitation disclosures of  
141 charitable organizations, sponsors, and professional  
142 solicitors; requiring that certain exempt charitable  
143 organizations or sponsors also provide such  
144 solicitation disclosures; requiring that such  
145 solicitation disclosures be placed online under

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146 certain circumstances; creating s. 496.4121, F.S.;

147 defining the term "collection receptacle"; requiring

148 that collection receptacles display permanent signs or

149 labels; specifying requirements for the physical

150 appearance of such labels or signs and information

151 displayed thereon; requiring that a charitable

152 organization or sponsor using a collection receptacle

153 provide certain information to a donor upon request;

154 amending s. 496.415, F.S.; providing that the

155 submission of false, misleading, or inaccurate

156 information in a document connected with a

157 solicitation or sales promotion is unlawful; providing

158 that the failure to remit specified funds to a

159 charitable organization or sponsor is unlawful;

160 amending s. 496.419, F.S.; increasing administrative

161 fines for violations of the Solicitation of

162 Contributions Act; creating s. 496.4191, F.S.;

163 requiring the department to immediately suspend a

164 registration or processing of an application for

165 registration for a specified period if the registrant,

166 applicant, or any officer or director thereof is

167 criminally charged with certain offenses; creating s.

168 496.430, F.S.; authorizing the department to

169 disqualify a charitable organization or sponsor from

170 receiving a sales tax exemption under specified

171 circumstances; providing that a charitable

172 organization or sponsor may appeal a disqualification

173 order; specifying appeal procedure; providing

174 exceptions; providing that a disqualification order

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175 remains effective for a specified period; specifying  
176 the procedure to lift a disqualification order;  
177 requiring the department to provide a final  
178 disqualification order to the Department of Revenue  
179 within a specified period; providing that a final  
180 disqualification order is conclusive as to a  
181 charitable organization or sponsor's right to a sales  
182 tax exemption; requiring the Department of Revenue to  
183 revoke or deny a sales tax exemption to a charitable  
184 organization or sponsor subject to a final  
185 disqualification order within a specified period;  
186 providing for a limited appeal of the revocation or  
187 denial of the sales tax exemption; providing  
188 applicability; amending s. 741.0305, F.S.; conforming  
189 a cross-reference; creating s. 496.431, F.s.;

190 providing for severability; making an appropriation;  
191 providing an effective date.

192  
193 Be It Enacted by the Legislature of the State of Florida:

194  
195 Section 1. Paragraph (p) of subsection (7) of section  
196 212.08, Florida Statutes, is amended to read:

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

203 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any

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

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

230 Section 2. Subsection (3) of section 212.084, Florida  
231 Statutes, is amended, and subsection (7) is added to that  
232 section, to read:



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233 212.084 Review of exemption certificates; reissuance;  
 234 specified expiration date; temporary exemption certificates.—

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

246 (7) The department shall revoke or refuse to grant a sales  
 247 tax exemption certificate to an institution, organization, or  
 248 individual that is the subject of a final disqualification order  
 249 issued by the Department of Agriculture and Consumer Services  
 250 pursuant to s. 496.430. A revocation or denial under this  
 251 subsection is subject to challenge under chapter 120 only as to  
 252 whether a disqualification order is in effect. The institution,  
 253 organization, or individual must appeal or challenge the  
 254 validity of the disqualification order pursuant to s.  
 255 496.430(2).

256 Section 3. Section 496.404, Florida Statutes, is amended to  
 257 read:

258 496.404 Definitions.—As used in ss. 496.401-496.424, the  
 259 term:

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

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

272 (2) "Charitable purpose" means any benevolent,  
273 philanthropic, patriotic, educational, humane, scientific,  
274 artistic, public health, social welfare or advocacy,  
275 environmental conservation, civic, or other eleemosynary  
276 objective.

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

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

289 (5) "Contribution" means the promise, pledge, or grant of  
290 any money or property, financial assistance, or any other thing

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291 of value in response to a solicitation. The term "Contribution"  
292 includes, in the case of a charitable organization or sponsor  
293 offering goods and services to the public, the difference  
294 between the direct cost of the goods and services to the  
295 charitable organization or sponsor and the price at which the  
296 charitable organization or sponsor or any person acting on  
297 behalf of the charitable organization or sponsor resells those  
298 goods or services to the public. The term "Contribution" does  
299 not include bona fide fees, dues, or assessments paid by  
300 members, if provided that membership is not conferred solely as  
301 consideration for making a contribution in response to a  
302 solicitation; ~~or "Contribution" also does not include~~ funds  
303 obtained by a charitable organization or sponsor pursuant to  
304 government grants or contracts; funds, ~~or~~ obtained as an  
305 allocation from a United Way organization that is duly  
306 registered with the department; or funds received from an  
307 organization that is exempt from federal income taxation under  
308 s. 501(a) of the Internal Revenue Code and described in s.  
309 501(c) of the Internal Revenue Code which ~~that~~ is duly  
310 registered with the department.

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

314 (7) ~~(6)~~ "Department" means the Department of Agriculture and  
315 Consumer Services.

316 (8) "Disaster" means a natural, technological, or civil  
317 event, including, but not limited to, an explosion, chemical  
318 spill, earthquake, tsunami, landslide, volcanic activity,  
319 avalanche, wildfire, tornado, hurricane, drought, or flood,

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320 which affects one or more countries and causes damage of  
321 sufficient severity and magnitude to result in:

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

323 (b) An official request for international assistance.

324 (9)~~(7)~~ "Division" means the Division of Consumer Services  
325 of the Department of Agriculture and Consumer Services.

326 (10)~~(8)~~ "Educational institutions" means those institutions  
327 and organizations described in s. 212.08(7)(cc)8.a. The term  
328 includes private nonprofit organizations, the purpose of which  
329 is to raise funds for schools teaching grades kindergarten  
330 through grade 12, colleges, and universities, including any  
331 nonprofit newspaper of free or paid circulation primarily on  
332 university or college campuses which holds a current exemption  
333 from federal income tax under s. 501(c)(3) of the Internal  
334 Revenue Code, any educational television network or system  
335 established pursuant to s. 1001.25 or s. 1001.26, and any  
336 nonprofit television or radio station that is a part of such  
337 network or system and that holds a current exemption from  
338 federal income tax under s. 501(c)(3) of the Internal Revenue  
339 Code. The term also includes a nonprofit educational cable  
340 consortium that holds a current exemption from federal income  
341 tax under s. 501(c)(3) of the Internal Revenue Code, whose  
342 primary purpose is the delivery of educational and instructional  
343 cable television programming and whose members are composed  
344 exclusively of educational organizations that hold a valid  
345 consumer certificate of exemption and that are either an  
346 educational institution as defined in this subsection or  
347 qualified as a nonprofit organization pursuant to s. 501(c)(3)  
348 of the Internal Revenue Code.

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349        (11)~~(9)~~ "Emergency service employee" means an ~~any~~ employee  
350 who is a firefighter, as defined in s. 633.102, or ambulance  
351 driver, emergency medical technician, or paramedic, as defined  
352 in s. 401.23.

353        (12)~~(10)~~ "Federated fundraising organization" means a  
354 federation of independent charitable organizations that ~~which~~  
355 have voluntarily joined together, including, but not limited to,  
356 a united way or community chest, for purposes of raising and  
357 distributing contributions for and among themselves and where  
358 membership does not confer operating authority and control of  
359 the individual organization upon the federated group  
360 organization.

361        (13)~~(11)~~ "Fundraising costs" means those costs incurred in  
362 inducing others to make contributions to a charitable  
363 organization or sponsor for which the contributors will receive  
364 no direct economic benefit. Fundraising costs include, but are  
365 not limited to, salaries, rent, acquiring and obtaining mailing  
366 lists, printing, mailing, and all direct and indirect costs of  
367 soliciting, as well as the cost of unsolicited merchandise sent  
368 to encourage contributions.

369        (14)~~(12)~~ "Law enforcement officer" means a ~~any~~ person who  
370 is elected, appointed, or employed by any municipality or the  
371 state or any political subdivision thereof and:

372        (a) Who is vested with authority to bear arms and make  
373 arrests and whose primary responsibility is the prevention and  
374 detection of crime or the enforcement of the criminal, traffic,  
375 or highway laws of the state; or

376        (b) Whose responsibility includes supervision, protection,  
377 care, custody, or control of inmates within a correctional

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378 institution.

379 (15) "Management and general costs" means all such costs of  
380 a charitable organization or sponsor which are not identifiable  
381 with a single program or fundraising activity but which are  
382 indispensable to the conduct of such programs and activities and  
383 the charitable organization's or sponsor's existence. The term  
384 includes, but is not limited to, expenses for:

385 (a) The overall direction of the organization.

386 (b) Business management.

387 (c) General recordkeeping.

388 (d) Budgeting.

389 (e) Financial reporting and related expenses.

390 (f) Salaries.

391 (g) Rent.

392 (h) Supplies.

393 (i) Equipment.

394 (j) General overhead.

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

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

403 (18)~~(15)~~ "Parent organization" means that part of a  
404 charitable organization or sponsor which coordinates,  
405 supervises, or exercises control over policy, fundraising, and  
406 expenditures or assists or advises one or more of the

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407 organization's chapters, branches, or affiliates in this state.

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

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

426 (21)~~(18)~~ "Professional solicitor" means a ~~any~~ person who,  
427 for compensation, performs for a charitable organization or  
428 sponsor any service in connection with which contributions are  
429 or will be solicited in, or from a location in, this state by  
430 the compensated person or by any person it employs, procures, or  
431 otherwise engages, directly or indirectly, to solicit  
432 contributions, or a person who plans, conducts, manages, carries  
433 on, advises, consults, ~~whether~~ directly or indirectly, in  
434 connection with the solicitation of contributions for or on  
435 behalf of a charitable organization or sponsor, but who does not

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436 qualify as a professional fundraising consultant. A bona fide  
437 volunteer or bona fide employee or salaried officer of a  
438 charitable organization or sponsor maintaining a permanent  
439 establishment in this state is not a professional solicitor. An  
440 attorney, investment counselor, or banker who advises an  
441 individual, corporation, or association to make a charitable  
442 contribution is not a professional solicitor as the result of  
443 such advice.

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

447 (23)~~(19)~~ "Religious institution" means any church,  
448 ecclesiastical or denominational organization, or established  
449 physical place for worship in this state at which nonprofit  
450 religious services and activities are regularly conducted and  
451 carried on, and includes those bona fide religious groups which  
452 do not maintain specific places of worship. The term "Religious  
453 institution" also includes any separate group or corporation  
454 that ~~which~~ forms an integral part of a religious institution  
455 that ~~which~~ is exempt from federal income tax under the  
456 provisions of s. 501(c)(3) of the Internal Revenue Code, that is  
457 or qualifies as being exempt from filing an annual tax return  
458 under the provisions of 26 U.S.C. s. 6033, and that ~~which~~ is not  
459 primarily supported by funds solicited outside its own  
460 membership or congregation.

461 (24)~~(20)~~ "Solicitation" means a request, directly or  
462 indirectly, for money, property, financial assistance, or any  
463 other thing of value on the plea or representation that such  
464 money, property, financial assistance, or other thing of value



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465 or a portion of it will be used for a charitable or sponsor  
466 purpose or will benefit a charitable organization or sponsor.  
467 The term "Solicitation" includes, but is not limited to, the  
468 following methods of requesting or securing the promise, pledge,  
469 or grant of money, property, financial assistance, or any other  
470 thing of value:

471 (a) Making any oral or written request;

472 (b) Making any announcement to the press, on radio or  
473 television, by telephone or telegraph, or by any other  
474 communication device concerning an appeal or campaign by or for  
475 any charitable organization or sponsor or for any charitable or  
476 sponsor purpose;

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

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

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

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

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

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

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

528 496.405 Registration statements by charitable organizations  
529 and sponsors.—

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

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

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

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552 department within 10 days after the change occurs.

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

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

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

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

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

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

580 (a) A copy of the financial statement ~~report~~ or Internal

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

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

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

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

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

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

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

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

635 (4)

636 (b) A charitable organization or sponsor that ~~which~~ fails  
637 to file a registration statement by the due date may be assessed  
638 an additional fee for such late filing. The late filing fee is

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639 ~~shall be~~ \$25 for each month or part of a month after the date on  
640 which the annual renewal statement was ~~and financial report were~~  
641 due to be filed with the department.

642 (7) (a) The department must examine each initial  
643 registration statement or annual renewal statement and the  
644 supporting documents filed by a charitable organization or  
645 sponsor and shall determine whether the registration  
646 requirements are satisfied. Within 15 business ~~working~~ days  
647 after its receipt of a statement, the department must examine  
648 the statement, notify the applicant of any apparent errors or  
649 omissions, and request any additional information the department  
650 is allowed by law to require. Failure to correct an error or  
651 omission or to supply additional information is not grounds for  
652 denial of the initial registration or annual renewal statement  
653 unless the department has notified the applicant within such  
654 period of 15 business days ~~the 15-working-day period~~. The  
655 department must approve or deny each statement, or must notify  
656 the applicant that the activity for which she or he seeks  
657 registration is exempt from the registration requirement, within  
658 15 business ~~working~~ days after receipt of the initial  
659 registration or annual renewal statement or the requested  
660 additional information or correction of errors or omissions. Any  
661 statement that is not approved or denied within 15 business  
662 ~~working~~ days after receipt of the requested additional  
663 information or correction of errors or omissions is approved.  
664 Within 7 business ~~working~~ days after receipt of a notification  
665 that the registration requirements are not satisfied, the  
666 charitable organization or sponsor may request a hearing. The  
667 hearing must be held within 7 business ~~working~~ days after

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668 receipt of the request, and any recommended order, if one is  
669 issued, must be rendered within 3 business ~~working~~ days of the  
670 hearing. The final order must then be issued within 2 business  
671 ~~working~~ days after the recommended order. If a recommended order  
672 is not issued, the final order must be issued within 5 business  
673 ~~working~~ days after the hearing. The proceedings must be  
674 conducted in accordance with chapter 120, except that the time  
675 limits and provisions set forth in this subsection prevail to  
676 the extent of any conflict.

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

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



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

707 (9) The department may deny or revoke the registration of a  
708 charitable organization or sponsor if the charitable  
709 organization or sponsor, or any officer, director, or trustee  
710 thereof, has had the right to solicit contributions revoked in  
711 any state, has entered into an agreement with any state to cease  
712 soliciting contributions within that state, or has been ordered  
713 by any court or governmental agency to cease soliciting  
714 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 5. 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 interest  
724 transaction" means a transaction between a charitable  
725 organization or sponsor and another party in which a director,

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

733 (2) The board of directors, or an authorized committee  
734 thereof, of a charitable organization or sponsor required to  
735 register with the department under s. 496.405 shall adopt a  
736 policy regarding conflict of interest transactions.

737 Section 6. Section 496.407, Florida Statutes, is amended to  
738 read:

739 496.407 Financial statement ~~report~~.—

740 (1) A charitable organization or sponsor that is required  
741 to initially register or annually renew registration must file  
742 an annual financial statement ~~report~~ for the immediately  
743 preceding fiscal year on ~~upon~~ a form prescribed by the  
744 department.

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

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

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

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

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

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755 a.1. Program service costs.

756 b.2. Management and general costs.

757 c.3. Fundraising costs.

758 (b) The financial statement must be audited or reviewed as  
759 follows:

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

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

767 3. For a charitable organization or sponsor that receives  
768 \$1 million or more in annual contributions, the financial  
769 statement shall be audited by an independent certified public  
770 accountant.

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

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

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

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

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

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784 receives less than \$500,000 in annual contributions may submit a  
785 copy of its Internal Revenue Service Form 990 and all attached  
786 schedules filed for the preceding fiscal year, or a copy of its  
787 Internal Revenue Service Form 990-EZ and Schedule O filed for  
788 the preceding fiscal year.

789 (3) Upon a showing of good cause by a charitable  
790 organization or sponsor, the department may extend the time for  
791 the filing of a financial statement required under this section  
792 by up to 180 days, during which time the previous registration  
793 shall remain active. The registration shall be automatically  
794 suspended for failure to file the financial statement within the  
795 extension period.

796 (4) The department may require that an audit or review be  
797 conducted for any financial statement submitted by any  
798 charitable organization or sponsor. ~~A charitable organization or~~  
799 ~~sponsor may elect to also include a financial report that has~~  
800 ~~been audited by an independent certified public accountant or an~~  
801 ~~audit with opinion by an independent certified public~~  
802 ~~accountant. In the event that a charitable organization or~~  
803 ~~sponsor elects to file an audited financial report, this~~  
804 ~~optional filing must be noted in the department's annual report~~  
805 ~~submitted pursuant to s. 496.423.~~

806 Section 7. Section 496.4071, Florida Statutes, is created  
807 to read:

808 496.4071 Supplemental financial disclosure.-

809 (1) If, for the immediately preceding fiscal year, a  
810 charitable organization or sponsor had more than \$1 million in  
811 total revenue and spent less than 25 percent of the  
812 organization's total annual functional expenses on program

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813 service costs, in addition to any financial statement required  
814 under s. 496.407, the charitable organization or sponsor shall  
815 file the following supplemental financial information on a form  
816 prescribed by the department:

817 (a) The dollar amount and the percentage of total revenue  
818 and charitable contributions allocated to funding each of the  
819 following administrative functions:

820 1. Total salaries of all persons employed by the charitable  
821 organization or sponsor.

822 2. Fundraising.

823 3. Travel expenses.

824 4. Overhead and other expenses related to managing and  
825 administering the charitable organization or sponsor.

826 (b) The name of and specific sum earned by or paid to all  
827 employees or consultants who earned or were paid more than  
828 \$100,000 during the immediately preceding fiscal year.

829 (c) The name of and specific sum paid to all service  
830 providers who were paid \$100,000 or more during the immediately  
831 preceding fiscal year and a brief description of the services  
832 provided.

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

835 (e) The details of any economic or business transactions  
836 between the charitable organization or sponsor and an officer,  
837 trustee, or director of the charitable organization or sponsor;  
838 the immediate family of an officer, trustee, or director of the  
839 charitable organization or sponsor; any entity controlled by an  
840 officer, trustee, or director of the charitable organization or  
841 sponsor; any entity controlled by the immediate family of an

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842 officer, trustee, or director of the charitable organization or  
843 sponsor; any entity that employed or engaged for consultation an  
844 officer, trustee, or director of the charitable organization or  
845 sponsor; and any entity that employed or engaged for  
846 consultation the immediate family of an officer, trustee, or  
847 director of the charitable organization or sponsor. As used in  
848 this paragraph, the term "immediate family" means a parent,  
849 spouse, child, sibling, grandparent, grandchild, brother-in-law,  
850 sister-in-law, son-in-law, daughter-in-law, mother-in-law, or  
851 father-in-law.

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

856 Section 8. Section 496.4072, Florida Statutes, is created  
857 to read:

858 496.4072 Financial statements for specific disaster relief  
859 solicitations.—

860 (1) A charitable organization or sponsor that solicits  
861 contributions in this state for a charitable purpose related to  
862 a specific disaster or crisis and receives at least \$100,000 in  
863 contributions in response to such solicitation shall file  
864 quarterly disaster relief financial statements with the  
865 department on a form prescribed by the department. The quarterly  
866 statements must detail the contributions secured as a result of  
867 the solicitation and the manner in which such contributions were  
868 expended. The department shall post notice on its website of the  
869 disasters and crises subject to the additional reporting  
870 requirements in this section within ten days of the disaster or

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871 crisis.

872 (2) The first quarterly statement shall be filed on the  
873 last day of the third month following the accrual of at least  
874 \$100,000 in contributions after the commencement of  
875 solicitations for the specific disaster or crisis. The  
876 charitable organization or sponsor shall continue to file  
877 quarterly statements with the department until the quarter after  
878 all contributions raised in response to the solicitation are  
879 expended.

880 Section 9. Subsections (4), (6), and (9) of section  
881 496.409, Florida Statutes, are amended, and subsection (10) is  
882 added to that section, to read:

883 496.409 Registration and duties of professional fundraising  
884 consultant.—

885 (4) A professional fundraising consultant may enter into a  
886 contract or agreement with a charitable organization or sponsor  
887 only if the charitable organization or sponsor has complied with  
888 all applicable provisions of this chapter. A ~~Every~~ contract or  
889 agreement between a professional fundraising consultant and a  
890 charitable organization or sponsor must be in writing, signed by  
891 two authorized officials of the charitable organization or  
892 sponsor, and filed by the professional fundraising consultant  
893 with the department at least 5 days before ~~prior to~~ the  
894 performance of any material service by the professional  
895 fundraising consultant. Solicitation under the contract or  
896 agreement may not begin before the filing of the contract or  
897 agreement.

898 (6) (a) The department shall examine each registration  
899 statement and all supporting documents filed by a professional

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900 fundraising consultant and determine whether the registration  
901 requirements are satisfied. If the department determines that  
902 the registration requirements are not satisfied, the department  
903 must notify the professional fundraising consultant within 15  
904 business ~~working~~ days after its receipt of the registration  
905 statement; otherwise the registration statement is approved.  
906 Within 7 business ~~working~~ days after receipt of a notification  
907 that the registration requirements are not satisfied, the  
908 applicant may request a hearing. The hearing must be held within  
909 7 business ~~working~~ days after receipt of the request, and any  
910 recommended order, if one is issued, must be rendered within 3  
911 business ~~working~~ days after the hearing. The final order must  
912 then be issued within 2 business ~~working~~ days after the  
913 recommended order. If there is no recommended order, the final  
914 order must be issued within 5 business ~~working~~ days after the  
915 hearing. The proceedings must be conducted in accordance with  
916 chapter 120, except that the time limits and provisions ~~set~~  
917 ~~forth~~ in this subsection prevail to the extent of any conflict.

918 (b) If a professional fundraising consultant discloses  
919 information specified in paragraphs (2)(e)-(g) in the initial  
920 application for registration or renewal application, the  
921 processing time limits of this subsection are waived and the  
922 department shall process the initial application for  
923 registration or the renewal application in accordance with the  
924 time limits in chapter 120. The registration of a professional  
925 consultant shall be automatically suspended for failure to  
926 disclose any information specified in paragraphs (2)(e)-(g)  
927 until such time as the required information is submitted to the  
928 department.



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929           (9) ~~A No~~ person may not act as a professional fundraising  
930 consultant, and ~~a no~~ professional fundraising consultant, or any  
931 officer, director, trustee, or employee thereof, may not shall  
932 knowingly employ any officer, trustee, director, or employee, if  
933 such person has, in any state, regardless of adjudication, been  
934 convicted of, or found guilty of, or pled guilty or nolo  
935 contendere to, or has been incarcerated within the last 10 years  
936 as a result of having previously been convicted of, or found  
937 guilty of, or pled guilty or nolo contendere to, any crime  
938 within the last 10 years involving fraud, theft, larceny,  
939 embezzlement, fraudulent conversion, or misappropriation of  
940 property, or any crime arising from the conduct of a  
941 solicitation for a charitable organization or sponsor, or has  
942 been enjoined in any state from violating any law relating to a  
943 charitable solicitation.

944           (10) The department may deny or revoke the registration of  
945 a professional fundraising consultant if the professional  
946 fundraising consultant, or any of its officers, directors, or  
947 trustees, has had the right to solicit contributions revoked in  
948 any state, has entered into an agreement with any state to cease  
949 soliciting contributions within that state, or has been ordered  
950 by any court or governmental agency to cease soliciting  
951 contributions within any state.

952           Section 10. Present subsections (3), (5), (7), (14), and  
953 (15) of section 496.410, Florida Statutes, are amended,  
954 paragraphs (j), (k), and (l) are added to subsection (2) of that  
955 section, paragraphs (i) through (n) are added to subsection (6)  
956 of that section, and a new subsection (15) is added to that  
957 section, to read:

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958 496.410 Registration and duties of professional  
959 solicitors.—

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

965 (j) A list of all telephone numbers the applicant will use  
966 to solicit contributions as well as the actual physical address  
967 associated with each telephone number and any fictitious names  
968 associated with such address.

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

972 (l) A copy of sales information or literature provided to a  
973 donor or potential donor by the applicant in connection with a  
974 solicitation.

975 (3) The application for registration must be accompanied by  
976 a fee of \$300. ~~A professional solicitor that is a partnership or~~  
977 ~~corporation may register for and pay a single fee on behalf of~~  
978 ~~all of its partners, members, officers, directors, agents, and~~  
979 ~~employees. In that case,~~ The names and street addresses of all  
980 the officers, employees, and agents of the professional  
981 solicitor and all other persons with whom the professional  
982 solicitor has contracted to work under its direction, including  
983 solicitors, must be listed in the application or furnished to  
984 the department within 5 days after the date of employment or  
985 contractual arrangement. Each registration is valid for 1 year  
986 and. ~~The registration~~ may be renewed for an additional 1-year

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987 period upon application to the department and payment of the  
988 registration fee.

989 (5) (a) The department must examine each registration  
990 statement and supporting documents filed by a professional  
991 solicitor. If the department determines that the registration  
992 requirements are not satisfied, the department must notify the  
993 professional solicitor within 15 business ~~working~~ days after its  
994 receipt of the registration statement; otherwise the  
995 registration statement is approved. Within 7 business ~~working~~  
996 days after receipt of a notification that the registration  
997 requirements are not satisfied, the applicant may request a  
998 hearing. The hearing must be held within 7 business ~~working~~ days  
999 after receipt of the request, and any recommended order, if one  
1000 is issued, must be rendered within 3 business ~~working~~ days after  
1001 the hearing. The final order must then be issued within 2  
1002 business ~~working~~ days after the recommended order. If there is  
1003 no recommended order, the final order must be issued within 5  
1004 business ~~working~~ days after the hearing. The proceedings must be  
1005 conducted in accordance with chapter 120, except that the time  
1006 limits and provisions ~~set forth~~ in this subsection prevail to  
1007 the extent of any conflict.

1008 (b) If a professional solicitor makes a disclosure  
1009 specified in paragraphs (2) (f)-(h) in the initial application  
1010 for registration or the renewal application, the processing time  
1011 limits of this subsection are waived and the department shall  
1012 process the initial application for registration or renewal  
1013 application in accordance with the time limits in chapter 120.  
1014 The registration of a professional solicitor shall be  
1015 automatically suspended for failure to disclose any information

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1016 specified in paragraphs (2)(f)-(h) until such time as the  
1017 required information is submitted to the department.

1018 (6) No less than 15 days before commencing any solicitation  
1019 campaign or event, the professional solicitor must file with the  
1020 department a solicitation notice on a form prescribed by the  
1021 department. The notice must be signed and sworn to by the  
1022 contracting officer of the professional solicitor and must  
1023 include:

1024 (i) A statement of the guaranteed minimum percentage of the  
1025 gross receipts from contributions which will be remitted to the  
1026 charitable organization or sponsor, if any, or, if the  
1027 solicitation involves the sale of goods, services, or tickets to  
1028 a fundraising event, the percentage of the purchase price which  
1029 will be remitted to the charitable organization or sponsor, if  
1030 any.

1031 (j) The percentage of a contribution which may be deducted  
1032 as a charitable contribution under federal income tax laws.

1033 (k) A statement as to whether any owner, director, officer,  
1034 trustee, or employee of the professional solicitor is related as  
1035 a parent, spouse, child, sibling, grandparent, grandchild,  
1036 brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
1037 mother-in-law, or father-in-law to:

1038 1. Another officer, director, owner, trustee, or employee  
1039 of the professional solicitor.

1040 2. Any officer, director, owner, trustee, or employee of a  
1041 charitable organization or sponsor under contract to the  
1042 professional solicitor.

1043 3. Any supplier or vendor providing goods or services to a  
1044 charitable organization or sponsor under contract to the

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1045 professional solicitor.

1046 (l) The beginning and ending dates of the solicitation  
1047 campaign.

1048 (m) A copy of any script, outline, or presentation used by  
1049 the professional solicitor to solicit contributions for the  
1050 solicitation campaign. If such aids are not used, written  
1051 confirmation thereof.

1052 (n) A copy of sales information or literature provided to a  
1053 donor or potential donor by the professional solicitor in  
1054 connection with the solicitation campaign.

1055 (7) A professional solicitor may enter into a contract or  
1056 agreement with a charitable organization or sponsor only if the  
1057 charitable organization or sponsor has complied with all  
1058 applicable provisions of this chapter. A ~~Each~~ contract or  
1059 agreement between a professional solicitor and a charitable  
1060 organization or sponsor for each solicitation campaign must be  
1061 in writing, signed by two authorized officials of the charitable  
1062 organization or sponsor, one of whom must be a member of the  
1063 organization's governing body and one of whom must be the  
1064 authorized contracting officer for the professional solicitor,  
1065 and contain all of the following provisions:

1066 (a) A statement of the charitable or sponsor purpose and  
1067 program for which the solicitation campaign is being conducted.

1068 (b) A statement of the respective obligations of the  
1069 professional solicitor and the charitable organization or  
1070 sponsor.

1071 (c) A statement of the guaranteed minimum percentage of the  
1072 gross receipts from contributions which will be remitted to the  
1073 charitable organization or sponsor, if any, or, if the

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1074 solicitation involves the sale of goods, services, or tickets to  
1075 a fundraising event, the percentage of the purchase price which  
1076 will be remitted to the charitable organization or sponsor, if  
1077 any. Any stated percentage shall exclude any amount which the  
1078 charitable organization or sponsor is to pay as fundraising  
1079 costs.

1080 (d) A statement of the percentage of the gross revenue  
1081 which the professional solicitor will be compensated. If the  
1082 compensation of the professional solicitor is not contingent  
1083 upon the number of contributions or the amount of revenue  
1084 received, his or her compensation shall be expressed as a  
1085 reasonable estimate of the percentage of the gross revenue, and  
1086 the contract must clearly disclose the assumptions upon which  
1087 the estimate is based. The stated assumptions must be based upon  
1088 all of the relevant facts known to the professional solicitor  
1089 regarding the solicitation to be conducted by the professional  
1090 solicitor.

1091 (e) The effective and termination dates of the contract.

1092 (14) A ~~No~~ person may not act as a professional solicitor,  
1093 and a ~~no~~ professional solicitor, or any officer, director,  
1094 trustee, or employee thereof, may not shall, to solicit for  
1095 compensation, knowingly employ any officer, trustee, director,  
1096 employee, or any person with a controlling interest therein, who  
1097 has, in any state, regardless of adjudication, been convicted  
1098 of, or found guilty of, or pled guilty or nolo contendere to, or  
1099 has been incarcerated within the last 10 years as a result of  
1100 having previously been convicted of, or found guilty of, or pled  
1101 guilty or nolo contendere to, a felony within the last 10 years  
1102 involving fraud, theft, larceny, embezzlement, fraudulent

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1103 conversion, or misappropriation of property, or any crime  
1104 arising from the conduct of a solicitation for a charitable  
1105 organization or sponsor, or has been enjoined in any state from  
1106 violating any law relating to a charitable solicitation. The  
1107 prohibitions in this subsection also apply to any misdemeanor in  
1108 another state which constitutes a disqualifying felony in this  
1109 state.

1110 (15) The department may deny or revoke the registration of  
1111 a professional solicitor if the professional solicitor, or any  
1112 of its officers, directors, trustees, or agents, has had the  
1113 right to solicit contributions revoked in any state, has entered  
1114 into an agreement with any state to cease soliciting  
1115 contributions within that state, or has been ordered by any  
1116 court or governmental agency to cease soliciting contributions  
1117 within any state.

1118 (16)~~(15)~~ All registration fees must be paid to the  
1119 department and deposited into the General Inspection Trust Fund.

1120 Section 11. Section 496.4101, Florida Statutes, is created  
1121 to read:

1122 496.4101 Licensure of professional solicitors and certain  
1123 employees thereof.-

1124 (1) Each officer, director, trustee, or owner of a  
1125 professional solicitor and any employee of a professional  
1126 solicitor conducting telephonic solicitations must, before  
1127 engaging in solicitation activities, obtain a solicitor license  
1128 from the department.

1129 (2) Persons required to obtain a solicitor license under  
1130 subsection (1) shall submit to the department, in such form as  
1131 the department prescribes, an application for a solicitor

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1132 license. The application must include the following information:

1133 (a) The true name, date of birth, unique identification  
1134 number of a driver license or other valid form of  
1135 identification, and home address of the applicant.

1136 (b) If the applicant, in any state, regardless of  
1137 adjudication, has previously been convicted of, or found guilty  
1138 of, or pled guilty or nolo contendere to, or has been  
1139 incarcerated within the last 10 years as a result of having  
1140 previously been convicted of, or found guilty of, or pled guilty  
1141 or nolo contendere to, any crime within the last 10 years  
1142 involving fraud, theft, larceny, embezzlement, fraudulent  
1143 conversion, or misappropriation of property, or any crime  
1144 arising from the conduct of a solicitation for a charitable  
1145 organization or sponsor, or has been enjoined, in any state,  
1146 from violating any law relating to a charitable solicitation.

1147 (c) If the applicant, in any state, is involved in pending  
1148 litigation or has had entered against her or him an injunction,  
1149 a temporary restraining order, or a final judgment or order,  
1150 including a stipulated judgment or order, an assurance of  
1151 voluntary compliance, cease and desist, or any similar document,  
1152 in any civil or administrative action involving fraud, theft,  
1153 larceny, embezzlement, fraudulent conversion, or  
1154 misappropriation of property, or has been enjoined from  
1155 violating any law relating to a charitable solicitation.

1156 (3) (a) Each applicant shall submit a complete set of his or  
1157 her fingerprints with the initial application for a solicitor  
1158 license and a fee equal to the federal and state costs for  
1159 fingerprint processing and fingerprint retention. The state cost  
1160 for fingerprint processing is that authorized in s.



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1161 943.053(3)(b) for records provided to persons or entities other  
1162 than those specified as exceptions therein.

1163 (b) The department shall forward the fingerprints to the  
1164 Department of Law Enforcement for state processing, and the  
1165 Department of Law Enforcement shall forward them to the Federal  
1166 Bureau of Investigation for national processing.

1167 (c) All fingerprints submitted to the Department of Law  
1168 Enforcement as required under this subsection shall be retained  
1169 by the Department of Law Enforcement as provided under s.  
1170 943.05(2)(g) and (h) and enrolled in the Federal Bureau of  
1171 Investigation's national retained print arrest notification  
1172 program. Fingerprints shall not be enrolled in the national  
1173 retained print arrest notification program until the Department  
1174 of Law Enforcement begins participation with the Federal Bureau  
1175 of Investigation. Arrest fingerprints will be searched against  
1176 the retained prints by the Department of Law Enforcement and the  
1177 Federal Bureau of Investigation.

1178 (d) For any renewal of the applicant's license, the  
1179 department shall request the Department of Law Enforcement to  
1180 forward the retained fingerprints of the applicant to the  
1181 Federal Bureau of Investigation unless the applicant is enrolled  
1182 in the national retained print arrest notification program  
1183 described in paragraph (c). The fee for the national criminal  
1184 history check will be paid as part of the renewal fee to the  
1185 department and forwarded by the department to Department of Law  
1186 Enforcement. If the applicant's fingerprints are retained in the  
1187 national retained print arrest notification program, the  
1188 applicant shall pay the state and national retention fee to the  
1189 department which will forward the fee to the Department of Law

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1190 Enforcement.

1191 (e) The department shall notify the Department of Law  
1192 Enforcement regarding any person whose fingerprints have been  
1193 retained but who is no longer licensed under this chapter.

1194 (f) The department shall screen background results to  
1195 determine if an applicant meets licensure requirements.

1196 (4) A solicitor license must be renewed annually by the  
1197 submission of a renewal application. A solicitor license that is  
1198 not renewed expires without further action by the department.

1199 (5) Each applicant for a solicitor license shall remit a  
1200 license fee of \$100 to the department at the time the initial  
1201 application is filed with the department and an annual renewal  
1202 fee of \$100 thereafter. All fees collected, less the cost of  
1203 administration, shall be deposited into the General Inspection  
1204 Trust Fund.

1205 (6) Any material change to the information submitted to the  
1206 department in the initial application or renewal application for  
1207 a solicitor license shall be reported to the department by the  
1208 applicant or licensee within 10 days after the change occurs.  
1209 The applicant or licensee shall also remit a fee in the amount  
1210 of \$10 for processing the change to the initial or renewal  
1211 application.

1212 (7) It is a violation of this chapter:

1213 (a) For an applicant to provide inaccurate or incomplete  
1214 information to the department in the initial or renewal  
1215 application for a solicitor license.

1216 (b) For any person specified in subsection (1) to fail to  
1217 maintain a solicitor license as required by this section.

1218 (c) For a professional solicitor to allow, require, permit,

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1219 or authorize an employee without an active solicitor license  
1220 issued under this section to conduct telephonic solicitations.

1221 (8) The department shall adopt rules that allow certain  
1222 applicants to engage in solicitation activities on an interim  
1223 basis until such time as a solicitor license is granted or  
1224 denied.

1225 (9) The department may deny or revoke any solicitor license  
1226 if the applicant or licensee has had the right to solicit  
1227 contributions revoked in any state, has entered into an  
1228 agreement with any state to cease soliciting contributions  
1229 within that state, has been ordered by any court or governmental  
1230 agency to cease soliciting contributions within any state, or is  
1231 subject to any disqualification specified in s. 496.410(14).

1232 Section 12. Subsections (2) and (3) of section 496.411,  
1233 Florida Statutes, are amended to read:

1234 496.411 Disclosure requirements and duties of charitable  
1235 organizations and sponsors.—

1236 (2) A charitable organization or sponsor soliciting in this  
1237 state must include all of the following disclosures at the point  
1238 of solicitation:

1239 (a) The name of the charitable organization or sponsor and  
1240 state of the principal place of business of the charitable  
1241 organization or sponsor;

1242 (b) A description of the purpose or purposes for which the  
1243 solicitation is being made;

1244 (c) Upon request, the name and either the address or  
1245 telephone number of a representative to whom inquiries could be  
1246 addressed;

1247 (d) Upon request, the amount of the contribution which may

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1248 be deducted as a charitable contribution under federal income  
1249 tax laws;

1250 (e) Upon request, the source from which a written financial  
1251 statement may be obtained. Such financial statement must be for  
1252 the immediate preceding ~~past~~ fiscal year and must be consistent  
1253 with the annual financial statement ~~report~~ filed under s.  
1254 496.407. The written financial statement must be provided within  
1255 14 days after the request and must state the purpose for which  
1256 funds are raised, the total amount of all contributions raised,  
1257 the total costs and expenses incurred in raising contributions,  
1258 the total amount of contributions dedicated to the stated  
1259 purpose or disbursed for the stated purpose, and whether the  
1260 services of another person or organization have been contracted  
1261 to conduct solicitation activities.

1262 (3) Every charitable organization or sponsor that ~~which~~ is  
1263 required to register under s. 496.405 or is exempt under s.  
1264 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~  
1265 ~~letters~~ the following statement on every ~~printed~~ solicitation,  
1266 ~~written~~ confirmation, receipt, or reminder of a contribution:  
1267

1268 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1269 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
1270 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
1271 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
1272 APPROVAL, OR RECOMMENDATION BY THE STATE."  
1273

1274 The statement must include a toll-free number and website for  
1275 the division which ~~that~~ can be used to obtain the registration  
1276 information. If ~~When~~ the solicitation consists of more than one

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1277 piece, the statement must be displayed prominently in the  
1278 solicitation materials. If the solicitation occurs through a  
1279 website, the statement must be conspicuously displayed on the  
1280 webpage where donations are requested.

1281 Section 13. Subsection (1) of section 496.412, Florida  
1282 Statutes, is amended to read:

1283 496.412 Disclosure requirements and duties of professional  
1284 solicitors.—

1285 (1) A professional solicitor must comply with and be  
1286 responsible for complying or causing compliance with the  
1287 following disclosures:

1288 (a) Before ~~Prior to~~ orally requesting a contribution, or  
1289 contemporaneously with a written request for a contribution, a  
1290 professional solicitor must clearly disclose:

1291 1. The name of the professional solicitor as on file with  
1292 the department.

1293 2. If the individual acting on behalf of the professional  
1294 solicitor identifies himself or herself by name, the  
1295 individual's legal name.

1296 3. The name and state of the principal place of business of  
1297 the charitable organization or sponsor and a description of how  
1298 the contributions raised by the solicitation will be used for a  
1299 charitable or sponsor purpose; or, if there is no charitable  
1300 organization or sponsor, a description as to how the  
1301 contributions raised by the solicitation will be used for a  
1302 charitable or sponsor purpose.

1303 (b) In the case of a solicitation campaign conducted  
1304 orally, whether by telephone or otherwise, any written  
1305 confirmation, receipt, or reminder sent to any person who has

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1306 contributed or has pledged to contribute, shall include a clear  
1307 disclosure of the information required by paragraph (a).

1308 (c) In addition to the information required by paragraph  
1309 (a), any written confirmation, receipt, or reminder of  
1310 contribution made pursuant to an oral solicitation and any  
1311 ~~written~~ solicitation shall conspicuously state ~~in capital~~  
1312 ~~letters~~:

1313  
1314 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1315 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
1316 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
1317 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
1318 APPROVAL, OR RECOMMENDATION BY THE STATE."

1319  
1320 The statement must include a toll-free number and website for  
1321 the division which ~~that~~ can be used to obtain the registration  
1322 information. If ~~When~~ the solicitation consists of more than one  
1323 piece, the statement must be displayed prominently in the  
1324 solicitation materials. If the solicitation occurs on a website,  
1325 the statement must be conspicuously displayed on the webpage  
1326 where donations are requested.

1327 (d) If requested by the person being solicited, the  
1328 professional solicitor shall inform that person in writing,  
1329 within 14 days after ~~of~~ the request, of the fixed percentage of  
1330 the gross revenue or the reasonable estimate of the percentage  
1331 of the gross revenue that the charitable organization or sponsor  
1332 will receive as a benefit from the solicitation campaign or  
1333 shall immediately notify the person being solicited that the  
1334 information is available on the department's website or by

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1335 calling the division's toll-free number.

1336 (e) If requested by the person being solicited, the  
1337 professional solicitor shall inform that person in writing,  
1338 within 14 days after ~~of~~ the request, of the percentage of the  
1339 contribution which may be deducted as a charitable contribution  
1340 under federal income tax laws or shall immediately notify the  
1341 person being solicited that the information is available on the  
1342 department's website or by calling the division's toll-free  
1343 number.

1344 Section 14. Section 496.4121, Florida Statutes, is created  
1345 to read:

1346 496.4121 Collection receptacles used for donations.—

1347 (1) As used in this section, the term "collection  
1348 receptacle" means a receptacle used to collect donated clothing,  
1349 household items, or other goods for resale.

1350 (2) A collection receptacle must display a permanent sign  
1351 or label on each side which contains the following information  
1352 printed in letters that are at least 3 inches in height and no  
1353 less than one-half inch in width, in a color that contrasts with  
1354 the color of the collection receptacle:

1355 (a) For collection receptacles used by a person required to  
1356 register under this chapter, the name, business address,  
1357 telephone number, and registration number of the charitable  
1358 organization or sponsor for whom the solicitation is made.

1359 (b) For collection receptacles placed or maintained in  
1360 public view by a person not required to register under this  
1361 chapter or by a person not claiming an exemption pursuant to  
1362 496.406, the name, telephone number, and physical address of the  
1363 business conducting the solicitation and the statement: "This is

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1364 not a charity. Donations made here support a for-profit business  
1365 and are not tax deductible."

1366 (3) Upon request, a charitable organization or sponsor  
1367 using a collection receptacle must provide the donor with  
1368 documentation of its tax-exempt status and the registration  
1369 issued under this chapter.

1370 Section 15. Subsection (2) of section 496.415, Florida  
1371 Statutes, is amended, and subsection (18) is added to that  
1372 section, to read:

1373 496.415 Prohibited acts.—It is unlawful for any person in  
1374 connection with the planning, conduct, or execution of any  
1375 solicitation or charitable or sponsor sales promotion to:

1376 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate  
1377 information in a document that is filed with the department,  
1378 provided to the public, or offered in response to a request or  
1379 investigation by the department, the Department of Legal  
1380 Affairs, or the state attorney.

1381 (18) Fail to remit to a charitable organization or sponsor  
1382 the disclosed guaranteed minimum percentage of gross receipts  
1383 from contributions as required under s. 496.410(7)(c) or, if the  
1384 solicitation involved the sale of goods, services, or tickets to  
1385 a fundraising event, the percentage of the purchase price as  
1386 agreed in the contract or agreement as required under this  
1387 chapter.

1388 Section 16. Subsection (5) of section 496.419, Florida  
1389 Statutes, is amended to read:

1390 496.419 Powers of the department.—

1391 (5) Upon a finding as set forth in subsection (4), the  
1392 department may enter an order doing one or more of the



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1393 following:

1394 (a) Issuing a notice of noncompliance pursuant to s.  
1395 120.695;

1396 (b) Issuing a cease and desist order that directs that the  
1397 person cease and desist specified fundraising activities;

1398 (c) Refusing to register or canceling or suspending a  
1399 registration;

1400 (d) Placing the registrant on probation for a period of  
1401 time, subject to such conditions as the department may specify;

1402 (e) Canceling an exemption granted under s. 496.406; ~~and~~

1403 (f) Except as provided in paragraph (g), imposing an  
1404 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or  
1405 omission that ~~which~~ constitutes a violation of ss. 496.401-  
1406 496.424 or s. 496.426 or a rule or order. With respect to a s.  
1407 501(c)(3) organization, the penalty imposed pursuant to this  
1408 subsection may ~~shall~~ not exceed \$500 per violation for failure  
1409 to register under s. 496.405 or file for an exemption under s.  
1410 496.406(2). The penalty shall be the entire amount per violation  
1411 and is not ~~to be interpreted as~~ a daily penalty; and

1412 (g) Imposing an administrative fine not to exceed \$10,000  
1413 for a violation of this chapter that involves fraud or  
1414 deception.

1415 Section 17. Section 496.4191, Florida Statutes, is created  
1416 to read:

1417 496.4191 Additional penalty; immediate suspension.—Upon  
1418 notification and subsequent written verification by a law  
1419 enforcement agency, a court, a state attorney, or the Florida  
1420 Department of Law Enforcement, the department shall immediately  
1421 suspend a registration or the processing of an application for a

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1422 registration if the registrant, applicant, or any officer or  
1423 director of the registrant or applicant is formally charged with  
1424 a crime involving fraud, theft, larceny, embezzlement, or  
1425 fraudulent conversion or misappropriation of property or any  
1426 crime arising from the conduct of a solicitation for a  
1427 charitable organization or sponsor until final disposition of  
1428 the case or removal or resignation of that officer or director.

1429 Section 18. Section 496.430, Florida Statutes, is created  
1430 to read:

1431 496.430 Disqualification for certain tax exemptions.-

1432 (1) The department may issue an order to disqualify a  
1433 charitable organization or sponsor from receiving any sales tax  
1434 exemption certificate issued by the Department of Revenue if the  
1435 department finds, based up on the average of functional expenses  
1436 and program service costs provided to the department pursuant to  
1437 s. 496.407 for the 3 most recent fiscal years, that the  
1438 charitable organization or sponsor has failed to expend at least  
1439 25 percent of its total annual functional expenses on program  
1440 service costs.

1441 (2) A charitable organization or sponsor may appeal a  
1442 disqualification order by requesting a hearing within 21 days  
1443 after notification from the department that it has issued a  
1444 disqualification order under this section. The hearing must be  
1445 conducted in accordance with chapter 120.

1446 (3) Notwithstanding a finding under subsection (1) that a  
1447 charitable organization or sponsor has failed to expend at least  
1448 25 percent of its total annual functional expenses on program  
1449 service costs, the department may decline to issue a  
1450 disqualification order if the charitable organization or sponsor

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1451 establishes:

1452 (a) That payments were made to affiliates which should be  
1453 considered in calculating the program service costs;

1454 (b) That revenue was accumulated for a specific program  
1455 purpose consistent with representations in solicitations; or

1456 (c) Such other mitigating circumstances as are defined by  
1457 rule of the department.

1458 (4) A disqualification order issued by the department  
1459 pursuant to this section is effective for at least 1 year after  
1460 such order becomes final and shall remain effective until such  
1461 time as the department receives sufficient evidence from the  
1462 disqualified charitable organization or sponsor which  
1463 demonstrates it expends at least 25 percent of its total annual  
1464 functional expenses on program service costs.

1465 (a) The charitable organization or sponsor may not submit  
1466 such evidence to the department sooner than 1 year after the  
1467 disqualification order becomes final and may not submit such  
1468 information more than once each year for consideration by the  
1469 department.

1470 (b) The department shall also consider any financial  
1471 statement that was submitted by the charitable organization or  
1472 sponsor to the department pursuant to s. 496.407 after the  
1473 disqualification order became final.

1474 (5) The department shall provide a disqualification order  
1475 to the Department of Revenue within 30 days after such order  
1476 becomes final. A final disqualification order is conclusive as  
1477 to the charitable organization's or sponsor's entitlement to any  
1478 sales tax exemption. The Department of Revenue shall revoke or  
1479 refuse to grant a sales tax exemption certificate to a

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1480 charitable organization or sponsor subject to a final  
 1481 disqualification order within 30 days after receiving such  
 1482 disqualification order. A charitable organization or sponsor may  
 1483 not appeal or challenge the revocation or denial of a sales tax  
 1484 exemption certificate by the Department of Revenue if such  
 1485 revocation or denial is based upon a final disqualification  
 1486 order issued pursuant to this section.

1487 (6) This section does not apply to a charitable  
 1488 organization or sponsor that:

1489 (a) Is not required to register under this chapter with the  
 1490 department; or

1491 (b) Has been in existence for less than 4 years.

1492 Section 19. Paragraph (a) of subsection (3) of section  
 1493 741.0305, Florida Statutes, is amended to read:

1494 741.0305 Marriage fee reduction for completion of  
 1495 premarital preparation course.—

1496 (3) (a) All individuals electing to participate in a  
 1497 premarital preparation course shall choose from the following  
 1498 list of qualified instructors:

- 1499 1. A psychologist licensed under chapter 490.
- 1500 2. A clinical social worker licensed under chapter 491.
- 1501 3. A marriage and family therapist licensed under chapter  
 1502 491.
- 1503 4. A mental health counselor licensed under chapter 491.
- 1504 5. An official representative of a religious institution  
 1505 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the  
 1506 representative has relevant training.
- 1507 6. Any other provider designated by a judicial circuit,  
 1508 including, but not limited to, school counselors who are

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1509 certified to offer such courses. Each judicial circuit may  
1510 establish a roster of area course providers, including those who  
1511 offer the course on a sliding fee scale or for free.

1512 Section 20. Section 496.431, Florida Statutes, is created  
1513 to read:

1514 496.431 Severability.—If any provision of this chapter or  
1515 its application to any person or circumstance is held invalid,  
1516 the invalidity does not affect other provisions or applications  
1517 of this chapter which can be given effect without the invalid  
1518 provision or application, and to this end the provisions of this  
1519 chapter are severable.

1520 Section 21. For the 2014-2015 fiscal year, there is  
1521 appropriated to the Department of Agriculture and Consumer  
1522 Services, the sums of \$235,352 in recurring and \$239,357 in  
1523 nonrecurring funds from the General Inspection Trust Fund, and 4  
1524 full-time equivalent positions with associated salary rate of  
1525 \$143,264 are authorized for the purpose of implementing this  
1526 act.

1527 Section 22. This act shall take effect July 1, 2014.