

By the Committees on Appropriations; and 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. 496.403, F.S.;
12 revising the applicability of the Solicitation of
13 Contributions Act; amending s. 496.404, F.S.; defining
14 terms; redefining the term "professional solicitor";
15 amending s. 496.405, F.S.; revising the timeframe
16 within which a charitable organization or sponsor must
17 report changes to certain information provided to the
18 department on an initial or renewal registration
19 statement; providing for the automatic expiration of a
20 registration for failure to file a renewal or
21 financial statement by a certain date; deleting a
22 provision to extend the time to file a renewal
23 statement; deleting a requirement that the renewal
24 statement be filed subsequent to the financial
25 statement; specifying the information that must be
26 submitted by a parent organization on a consolidated
27 financial statement; requiring a parent organization
28 to attach certain Internal Revenue Service forms and
29 schedules to a consolidated financial statement;

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

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59 provide the department with a copy of the policy;
60 amending s. 496.407, F.S.; requiring that the
61 financial statements of certain charitable
62 organizations or sponsors be audited or reviewed;
63 specifying requirements and standards for the audit or
64 review of a financial statement; requiring that an
65 alternative financial statement submitted by certain
66 charitable organizations or sponsors be prepared by a
67 certified public accountant or other professional;
68 authorizing the department to require an audit or
69 review of any financial statement and to extend the
70 time to file a financial statement under certain
71 circumstances; providing that the registration of a
72 charitable organization or sponsor be suspended upon
73 its failure to file a financial statement within an
74 extension period; making technical changes; creating
75 s. 496.4071, F.S.; requiring certain charitable
76 organizations or sponsors to report specified
77 supplemental financial information to the department
78 by a certain date; creating s. 496.4072, F.S.;

79 requiring certain charitable organizations or sponsors
80 who solicit contributions for a specific disaster
81 relief effort to submit quarterly financial statements
82 to the department; specifying information to be
83 included in the quarterly financial statement and the
84 length of the required reporting period; requiring the
85 department to post notice of specific disaster relief
86 efforts subject the reporting requirements; amending
87 ss. 496.409 and 496.410, F.S.; prohibiting a

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88 professional fundraising consultant or professional
89 solicitor from entering into a contract or agreement
90 with a charitable organization or sponsor that has not
91 complied with certain requirements; extending the time
92 that the department may review initial or renewal
93 registration statements of professional fundraising
94 consultants or professional solicitors which contain
95 certain disclosures; providing that the failure of a
96 professional fundraising consultant or professional
97 solicitor to make certain disclosures in an initial or
98 renewal registration statement results in automatic
99 suspension of an active registration; prohibiting the
100 officers, trustees, directors, or employees of a
101 professional fundraising consultant or a professional
102 solicitor from allowing certain persons to solicit
103 contributions on behalf of the professional
104 fundraising consultant or professional solicitor;
105 specifying that the prohibition against acting as a
106 professional solicitor or the employment of certain
107 persons by a professional solicitor due to the
108 commission of certain felonies includes those felonies
109 committed in any state as well as any misdemeanor in
110 another state which constitutes a disqualifying felony
111 in this state; authorizing the department to deny or
112 revoke the registration of a professional fundraising
113 consultant or professional solicitor under certain
114 circumstances; revising required information in the
115 initial or renewal application of a professional
116 solicitor; deleting a provision authorizing the

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117 payment of a single registration fee for certain
118 professional solicitors; requiring a professional
119 solicitor to provide additional specified information
120 to the department in a solicitation notice; creating
121 s. 496.4101, F.S.; requiring each officer, director,
122 trustee, or owner of a professional solicitor and any
123 employee of a professional solicitor that conducts
124 certain telephonic solicitations to obtain a solicitor
125 license from the department; specifying application
126 information and the application procedure for a
127 solicitor license; requiring that each applicant for a
128 solicitor license submit a complete set of their
129 fingerprints to certain agencies, entities, or
130 vendors; requiring that the applicant's fingerprints
131 be submitted to the Department of Law Enforcement for
132 state processing; requiring the Department of Law
133 Enforcement to forward the applicant's fingerprints to
134 the Federal Bureau of Investigation for national
135 processing; providing that fees for fingerprint
136 processing and retention be borne by the applicant;
137 providing for retention of the fingerprints; requiring
138 the department to notify the Department of Law
139 Enforcement of individuals who are no longer licensed;
140 requiring that a solicitor license be renewed annually
141 or expire automatically upon nonrenewal; requiring
142 that an applicant for a solicitor license pay certain
143 licensing fees; providing that licensing fees be
144 deposited into the General Inspection Trust Fund;
145 requiring that an applicant for a solicitor license

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146 report changes in information submitted to the
147 department in a specified manner along with a
148 processing fee; specifying violations; requiring the
149 department to adopt rules allowing applicants to
150 engage in solicitation activities without a solicitor
151 license on an interim basis; authorizing the
152 department to deny or revoke a solicitor license under
153 specified circumstances; requiring that certain
154 administrative proceedings be conducted pursuant to
155 chapter 120; amending ss. 496.411 and 496.412, F.S.;;
156 expanding and revising required solicitation
157 disclosures of charitable organizations, sponsors, and
158 professional solicitors; requiring that certain exempt
159 charitable organizations or sponsors also provide such
160 solicitation disclosures; requiring that such
161 solicitation disclosures be placed online under
162 certain circumstances; creating s. 496.4121, F.S.;;
163 defining the term "collection receptacle"; requiring
164 that collection receptacles display permanent signs or
165 labels; specifying requirements for the physical
166 appearance of such labels or signs and the information
167 displayed thereon; requiring that a charitable
168 organization or sponsor using a collection receptacle
169 provide certain information to a donor upon request;
170 amending s. 496.415, F.S.;; providing that the
171 submission of false, misleading, or inaccurate
172 information in a document connected with a
173 solicitation or sales promotion is unlawful; providing
174 that the failure to remit specified funds to a

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175 charitable organization or sponsor is unlawful;
176 amending s. 496.419, F.S.; increasing administrative
177 fines for violations of the Solicitation of
178 Contributions Act; creating s. 496.4191, F.S.;
179 requiring the department to immediately suspend a
180 registration or processing of an application for
181 registration for a specified period if the registrant,
182 applicant, or any officer or director thereof is
183 criminally charged with certain offenses; creating s.
184 496.430, F.S.; requiring the department to disqualify
185 a charitable organization or sponsor from receiving a
186 sales tax exemption under specified circumstances;
187 providing that a charitable organization or sponsor
188 may appeal a disqualification order; specifying appeal
189 procedure; providing that a disqualification order
190 remains effective for a specified period; requiring
191 the department to provide a final disqualification
192 order to the Department of Revenue within a specified
193 period; providing that a final disqualification order
194 is conclusive as to a charitable organization or
195 sponsor's right to a sales tax exemption; requiring
196 the Department of Revenue to revoke or deny a sales
197 tax exemption to a charitable organization or sponsor
198 subject to a final disqualification order within a
199 specified period; prohibiting a charitable
200 organization or sponsor from appealing or challenging
201 the revocation or denial of a sales tax exemption
202 certificate under certain circumstances; creating s.
203 496.431, F.S.; providing for severability; amending s.

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204 741.0305, F.S.; conforming a cross-reference;
205 providing an appropriation and authorizing positions;
206 providing an effective date.
207

208 Be It Enacted by the Legislature of the State of Florida:
209

210 Section 1. Paragraph (p) of subsection (7) of section
211 212.08, Florida Statutes, is amended to read:

212 212.08 Sales, rental, use, consumption, distribution, and
213 storage tax; specified exemptions.—The sale at retail, the
214 rental, the use, the consumption, the distribution, and the
215 storage to be used or consumed in this state of the following
216 are hereby specifically exempt from the tax imposed by this
217 chapter.

218 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
219 entity by this chapter do not inure to any transaction that is
220 otherwise taxable under this chapter when payment is made by a
221 representative or employee of the entity by any means,
222 including, but not limited to, cash, check, or credit card, even
223 when that representative or employee is subsequently reimbursed
224 by the entity. In addition, exemptions provided to any entity by
225 this subsection do not inure to any transaction that is
226 otherwise taxable under this chapter unless the entity has
227 obtained a sales tax exemption certificate from the department
228 or the entity obtains or provides other documentation as
229 required by the department. Eligible purchases or leases made
230 with such a certificate must be in strict compliance with this
231 subsection and departmental rules, and any person who makes an
232 exempt purchase with a certificate that is not in strict

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233 compliance with this subsection and the rules is liable for and
234 shall pay the tax. The department may adopt rules to administer
235 this subsection.

236 (p) *Section 501(c)(3) organizations.*—Also exempt from the
237 tax imposed by this chapter are sales or leases to organizations
238 determined by the Internal Revenue Service to be currently
239 exempt from federal income tax pursuant to s. 501(c)(3) of the
240 Internal Revenue Code of 1986, as amended, if when such leases
241 or purchases are used in carrying on their customary nonprofit
242 activities, unless such organizations are subject to a final
243 disqualification order issued by the Department of Agriculture
244 and Consumer Services pursuant to s. 496.430.

245 Section 2. Subsection (3) of section 212.084, Florida
246 Statutes, is amended, and subsection (7) is added to that
247 section, to read:

248 212.084 Review of exemption certificates; reissuance;
249 specified expiration date; temporary exemption certificates.—

250 (3) After review is completed and it has been determined
251 that an institution, organization, or individual is actively
252 engaged in a bona fide exempt endeavor and is not subject to a
253 final disqualification order issued by the Department of
254 Agriculture and Consumer Services pursuant to s. 496.430, the
255 department shall reissue an exemption certificate to the entity.
256 However, each certificate so reissued is valid for 5 consecutive
257 years, at which time the review and reissuance procedure
258 provided by this section apply again. If the department
259 determines that an entity no longer qualifies for an exemption,
260 it shall revoke the tax exemption certificate of the entity.

261 (7) The department shall revoke or refuse to grant a sales

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262 tax exemption certificate to an institution, organization, or
263 individual that is the subject of a final disqualification order
264 issued by the Department of Agriculture and Consumer Services
265 pursuant to s. 496.430. A revocation or denial under this
266 subsection is subject to challenge under chapter 120 only as to
267 whether a disqualification order is in effect. The institution,
268 organization, or individual must appeal or challenge the
269 validity of the disqualification order pursuant to s.
270 496.430(2).

271 Section 3. Section 496.403, Florida Statutes, is amended to
272 read:

273 496.403 Application.—Sections 496.401-496.424 do not apply
274 to bona fide religious institutions, educational institutions,
275 and state agencies or other government entities or persons or
276 organizations who solicit or act as professional fundraising
277 consultants solely on ~~their~~ behalf of those entities, or to
278 blood establishments as defined in s. 381.06014. Sections
279 496.401-496.424 do not apply to political contributions
280 solicited in accordance with the election laws of this state.

281 Section 4. Section 496.404, Florida Statutes, is amended to
282 read:

283 496.404 Definitions.—As used in ss. 496.401-496.424, the
284 term:

285 (1) "Charitable organization" means a ~~any~~ person who is or
286 holds herself or himself out to be established for any
287 benevolent, educational, philanthropic, humane, scientific,
288 artistic, patriotic, social welfare or advocacy, public health,
289 environmental conservation, civic, or other eleemosynary
290 purpose, or a ~~any~~ person who in any manner employs a charitable

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291 appeal as the basis for any solicitation or an appeal that
292 suggests that there is a charitable purpose to any solicitation.
293 The term ~~It~~ includes a chapter, branch, area office, or similar
294 affiliate soliciting contributions within the state for a
295 charitable organization that ~~which~~ has its principal place of
296 business outside the state.

297 (2) "Charitable purpose" means any benevolent,
298 philanthropic, patriotic, educational, humane, scientific,
299 artistic, public health, social welfare or advocacy,
300 environmental conservation, civic, or other eleemosynary
301 objective.

302 (3) "Charitable sales promotion" means an advertising or
303 sales campaign conducted by a commercial co-venturer which
304 represents that the purchase or use of goods or services offered
305 by the commercial co-venturer ~~are to~~ benefit a charitable
306 organization. The provision of advertising services to a
307 charitable organization does not, in itself, constitute a
308 charitable sales promotion.

309 (4) "Commercial co-venturer" means a ~~any~~ person who, for
310 profit, regularly and primarily is engaged in trade or commerce
311 other than in connection with solicitation of contributions and
312 who conducts a charitable sales promotion or a sponsor sales
313 promotion.

314 (5) "Contribution" means the promise, pledge, or grant of
315 any money or property, financial assistance, or any other thing
316 of value in response to a solicitation. The term ~~"Contribution"~~
317 includes, in the case of a charitable organization or sponsor
318 offering goods and services to the public, the difference
319 between the direct cost of the goods and services to the

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320 charitable organization or sponsor and the price at which the
321 charitable organization or sponsor or any person acting on
322 behalf of the charitable organization or sponsor resells those
323 goods or services to the public. The term "Contribution" does
324 not include bona fide fees, dues, or assessments paid by
325 members, if provided that membership is not conferred solely as
326 consideration for making a contribution in response to a
327 solicitation; ~~"Contribution" also does not include funds~~
328 obtained by a charitable organization or sponsor pursuant to
329 government grants or contracts; funds, or obtained as an
330 allocation from a United Way organization that is duly
331 registered with the department; or funds received from an
332 organization that is exempt from federal income taxation under
333 s. 501(a) of the Internal Revenue Code and described in s.
334 501(c) of the Internal Revenue Code which that is duly
335 registered with the department.

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

339 (7)(6) "Department" means the Department of Agriculture and
340 Consumer Services.

341 (8) "Disaster" means a natural, technological, or civil
342 event, including, but not limited to, an explosion, chemical
343 spill, earthquake, tsunami, landslide, volcanic activity,
344 avalanche, wildfire, tornado, hurricane, drought, or flood,
345 which affects one or more countries and causes damage of
346 sufficient severity and magnitude to result in an official
347 declaration of a state of emergency or an official request for
348 international assistance.

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349 (9)~~(7)~~ "Division" means the Division of Consumer Services
350 of the Department of Agriculture and Consumer Services.

351 (10)~~(8)~~ "Educational institutions" means those institutions
352 and organizations described in s. 212.08(7)(cc)8.a. The term
353 includes private nonprofit organizations, the purpose of which
354 is to raise funds for schools teaching grades kindergarten
355 through grade 12, colleges, and universities, including any
356 nonprofit newspaper of free or paid circulation primarily on
357 university or college campuses which holds a current exemption
358 from federal income tax under s. 501(c)(3) of the Internal
359 Revenue Code, any educational television network or system
360 established pursuant to s. 1001.25 or s. 1001.26, and any
361 nonprofit television or radio station that is a part of such
362 network or system and that holds a current exemption from
363 federal income tax under s. 501(c)(3) of the Internal Revenue
364 Code. The term also includes a nonprofit educational cable
365 consortium that holds a current exemption from federal income
366 tax under s. 501(c)(3) of the Internal Revenue Code, whose
367 primary purpose is the delivery of educational and instructional
368 cable television programming and whose members are composed
369 exclusively of educational organizations that hold a valid
370 consumer certificate of exemption and that are either an
371 educational institution as defined in this subsection or
372 qualified as a nonprofit organization pursuant to s. 501(c)(3)
373 of the Internal Revenue Code.

374 (11)~~(9)~~ "Emergency service employee" means an ~~any~~ employee
375 who is a firefighter, as defined in s. 633.102, or ambulance
376 driver, emergency medical technician, or paramedic, as defined
377 in s. 401.23.

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378 (12)~~(10)~~ "Federated fundraising organization" means a
379 federation of independent charitable organizations that ~~which~~
380 have voluntarily joined together, including, but not limited to,
381 a united way or community chest, for purposes of raising and
382 distributing contributions for and among themselves and where
383 membership does not confer operating authority and control of
384 the individual organization upon the federated group
385 organization.

386 (13)~~(11)~~ "Fundraising costs" means those costs incurred in
387 inducing others to make contributions to a charitable
388 organization or sponsor for which the contributors will receive
389 no direct economic benefit. Fundraising costs include, but are
390 not limited to, salaries, rent, acquiring and obtaining mailing
391 lists, printing, mailing, and all direct and indirect costs of
392 soliciting, as well as the cost of unsolicited merchandise sent
393 to encourage contributions.

394 (14)~~(12)~~ "Law enforcement officer" means a ~~any~~ person who
395 is elected, appointed, or employed by any municipality or the
396 state or any political subdivision thereof and:

397 (a) Who is vested with authority to bear arms and make
398 arrests and whose primary responsibility is the prevention and
399 detection of crime or the enforcement of the criminal, traffic,
400 or highway laws of the state; or

401 (b) Whose responsibility includes supervision, protection,
402 care, custody, or control of inmates within a correctional
403 institution.

404 (15) "Management and general costs" means all such costs of
405 a charitable organization or sponsor which are not identifiable
406 with a single program or fundraising activity but which are

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407 indispensable to the conduct of such programs and activities and
408 the charitable organization's or sponsor's existence.

409 (16)~~(13)~~ "Membership" means the relationship of a person to
410 an organization which ~~that~~ entitles her or him to the
411 privileges, professional standing, honors, or other direct
412 benefit of the organization in addition to the right to vote,
413 elect officers, and hold office in the organization.

414 (17)~~(14)~~ "Owner" means a ~~any~~ person who has a direct or
415 indirect interest in any professional fundraising consultant or
416 professional solicitor.

417 (18)~~(15)~~ "Parent organization" means that part of a
418 charitable organization or sponsor which coordinates,
419 supervises, or exercises control over policy, fundraising, and
420 expenditures or assists or advises one or more of the
421 organization's chapters, branches, or affiliates in this state.

422 (19)~~(16)~~ "Person" means an ~~any~~ individual, organization,
423 trust, foundation, group, association, entity, partnership,
424 corporation, society, or any combination thereof ~~of them~~.

425 (20)~~(17)~~ "Professional fundraising consultant" means a ~~any~~
426 person who is retained by a charitable organization or sponsor
427 for a fixed fee or rate under a written agreement to plan,
428 manage, conduct, carry on, advise, consult, or prepare material
429 for a solicitation of contributions in this state, but who does
430 not solicit contributions or employ, procure, or engage any
431 compensated person to solicit contributions and who does not at
432 any time have custody or control of contributions. A bona fide
433 volunteer or bona fide employee or salaried officer of a
434 charitable organization or sponsor maintaining a permanent
435 establishment in this state is not a professional fundraising

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436 consultant. An attorney, investment counselor, or banker who
437 advises an individual, corporation, or association to make a
438 charitable contribution is not a professional fundraising
439 consultant as the result of such advice.

440 (21)~~(18)~~ "Professional solicitor" means a ~~any~~ person who,
441 for compensation, performs for a charitable organization or
442 sponsor any service in connection with which contributions are
443 or will be solicited in, or from a location in, this state by
444 the compensated person or by any person it employs, procures, or
445 otherwise engages, directly or indirectly, to solicit
446 contributions, or a person who plans, conducts, manages, carries
447 on, advises, consults, ~~whether~~ directly or indirectly, in
448 connection with the solicitation of contributions for or on
449 behalf of a charitable organization or sponsor, but who does not
450 qualify as a professional fundraising consultant. A bona fide
451 volunteer or bona fide employee or salaried officer of a
452 charitable organization or sponsor maintaining a permanent
453 establishment in this state is not a professional solicitor. An
454 attorney, investment counselor, or banker who advises an
455 individual, corporation, or association to make a charitable
456 contribution is not a professional solicitor as the result of
457 such advice.

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

461 (23)~~(19)~~ "Religious institution" means any church,
462 ecclesiastical or denominational organization, or established
463 physical place for worship in this state at which nonprofit
464 religious services and activities are regularly conducted and

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465 carried on, and includes those bona fide religious groups which
466 do not maintain specific places of worship. The term "Religious
467 institution" also includes any separate group or corporation
468 which forms an integral part of a religious institution which is
469 exempt from federal income tax under the provisions of s.
470 501(c)(3) of the Internal Revenue Code, and which is not
471 primarily supported by funds solicited outside its own
472 membership or congregation.

473 (24)~~(20)~~ "Solicitation" means a request, directly or
474 indirectly, for money, property, financial assistance, or any
475 other thing of value on the plea or representation that such
476 money, property, financial assistance, or other thing of value
477 or a portion of it will be used for a charitable or sponsor
478 purpose or will benefit a charitable organization or sponsor.
479 The term "Solicitation" includes, but is not limited to, the
480 following methods of requesting or securing the promise, pledge,
481 or grant of money, property, financial assistance, or any other
482 thing of value:

483 (a) Making any oral or written request;

484 (b) Making any announcement to the press, on radio or
485 television, by telephone or telegraph, or by any other
486 communication device concerning an appeal or campaign by or for
487 any charitable organization or sponsor or for any charitable or
488 sponsor purpose;

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

492 (d) Selling or offering or attempting to sell any
493 advertisement, advertising space, book, card, coupon, chance,

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494 device, magazine, membership, merchandise, subscription,
495 sponsorship, flower, admission, ticket, food, or other service
496 or tangible good, item, or thing of value, or any right of any
497 description in connection with which any appeal is made for any
498 charitable organization or sponsor or charitable or sponsor
499 purpose, or when the name of any charitable organization or
500 sponsor is used or referred to in any such appeal as an
501 inducement or reason for making the sale or when, in connection
502 with the sale or offer or attempt to sell, any statement is made
503 that all or part of the proceeds from the sale will be used for
504 any charitable or sponsor purpose or will benefit any charitable
505 organization or sponsor.

506

507 A solicitation is considered as having taken place whether or
508 not the person making the solicitation receives any
509 contribution. A solicitation does not occur when a person
510 applies for a grant or an award to the government or to an
511 organization that is exempt from federal income taxation under
512 s. 501(a) of the Internal Revenue Code and described in s.
513 501(c) of the Internal Revenue Code and is duly registered with
514 the department.

515 (25) ~~(21)~~ "Sponsor" means a group or person that ~~which~~ is or
516 holds itself out to be soliciting contributions by the use of
517 any name that ~~which~~ implies that the group or person is in any
518 way affiliated with or organized for the benefit of emergency
519 service employees or law enforcement officers and the group or
520 person ~~which~~ is not a charitable organization. The term includes
521 a chapter, branch, or affiliate that ~~which~~ has its principal
522 place of business outside the state, if such chapter, branch, or

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523 affiliate solicits or holds itself out to be soliciting
524 contributions in this state.

525 ~~(26)~~~~(22)~~ "Sponsor purpose" means any program or endeavor
526 performed to benefit emergency service employees or law
527 enforcement officers.

528 ~~(27)~~~~(23)~~ "Sponsor sales promotion" means an advertising or
529 sales campaign conducted by a commercial co-venturer who
530 represents that the purchase or use of goods or services offered
531 by the commercial co-venturer will be used for a sponsor purpose
532 or donated to a sponsor. The provision of advertising services
533 to a sponsor does not, in itself, constitute a sponsor sales
534 promotion.

535 Section 5. Subsection (1), paragraphs (a) and (g) of
536 subsection (2), subsection (3), paragraph (b) of subsection (4),
537 and subsections (7) and (8) of section 496.405, Florida
538 Statutes, are amended, and subsections (9) and (10) are added to
539 that section, to read:

540 496.405 Registration statements by charitable organizations
541 and sponsors.—

542 (1)~~(a)~~ A charitable organization or sponsor, unless
543 exempted pursuant to s. 496.406, which intends to solicit
544 contributions in this state by any means or have funds solicited
545 on its behalf by any other person, charitable organization,
546 sponsor, commercial co-venturer, or professional solicitor, or
547 that participates in a charitable sales promotion or sponsor
548 sales promotion, must, before ~~prior to~~ engaging in any of these
549 activities, file an initial registration statement, and a
550 renewal statement annually thereafter, with the department.

551 ~~(a)~~~~(b)~~ Except as provided in paragraph (b), any changes in

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552 the information submitted on the initial registration statement
553 or the last renewal statement must be updated annually on a
554 renewal statement provided by the department on or before the
555 date that marks 1 year after the date the department approved
556 the initial registration statement as provided in this section.
557 The department shall annually provide a renewal statement to
558 each registrant by mail or by electronic mail at least 30 days
559 before the renewal date.

560 (b) Any changes to the information submitted to the
561 department pursuant to paragraph (2)(d) on the initial
562 registration statement or the last renewal statement must be
563 reported to the department on a form prescribed by the
564 department within 10 days after the change occurs.

565 (c) A charitable organization or sponsor that is required
566 to file an initial registration statement or annual renewal
567 statement may not, before ~~prior to~~ approval of its statement by
568 the department in accordance with subsection (7), solicit
569 contributions or have contributions solicited on its behalf by
570 any other person, charitable organization, sponsor, commercial
571 co-venturer, or professional solicitor, or participate in a
572 charitable sales promotion or sponsor sales promotion.

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

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

580 1. After the date the charitable organization or sponsor

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581 should have filed, but failed to file, its renewal statement
582 ~~financial report~~ in accordance with this section.

583 2. For failure to provide a financial statement within any
584 extension period provided under ~~and~~ s. 496.407. ~~The organization~~
585 ~~may not file a renewal statement until it has filed the required~~
586 ~~financial report with the department.~~

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

592 (a) A copy of the financial statement ~~report~~ or Internal
593 Revenue Service Form 990 and all attached schedules or Internal
594 Revenue Service Form 990-EZ and Schedule O required under s.
595 496.407 for the immediately preceding fiscal year. A newly
596 organized charitable organization or sponsor with no financial
597 history must file a budget for the current fiscal year.

598 (g) The following information must be filed with the
599 initial registration statement and must be updated when any
600 change occurs in the information that was previously filed with
601 the initial registration statement:

602 1. The principal street address and telephone number of the
603 charitable organization or sponsor and the street address and
604 telephone numbers of any offices in this state or, if the
605 charitable organization or sponsor does not maintain an office
606 in this state, the name, street address, and telephone number of
607 the person who ~~that~~ has custody of its financial records. The
608 parent organization that files a consolidated registration
609 statement on behalf of its chapters, branches, or affiliates

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610 must additionally provide the street addresses and telephone
611 numbers of all such locations in this state.

612 2. The names and street addresses of the officers,
613 directors, trustees, and the principal salaried executive
614 personnel.

615 3. The date when the charitable organization's or sponsor's
616 fiscal year ends.

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

618 5. The names, street addresses, and telephone numbers of
619 the individuals or officers who have final responsibility for
620 the custody of the contributions and who will be responsible for
621 the final distribution of the contributions.

622 (3) Each chapter, branch, or affiliate of a parent
623 organization that is required to register under this section
624 must ~~either~~ file a separate registration statement and financial
625 statement report or ~~must~~ report the required information to its
626 parent organization, which shall then file, on a form prescribed
627 by the department, a consolidated registration statement for the
628 parent organization and its Florida chapters, branches, and
629 affiliates. A consolidated registration statement filed by a
630 parent organization must include or be accompanied by financial
631 statements reports as specified in s. 496.407 for the parent
632 organization and each of its Florida chapters, branches, and
633 affiliates that solicited or received contributions during the
634 preceding fiscal year. However, if all contributions received by
635 chapters, branches, or affiliates are remitted directly into a
636 depository account that ~~which~~ feeds directly into the parent
637 organization's centralized accounting system from which all
638 disbursements are made, the parent organization may submit one

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639 consolidated financial statement ~~report~~ on a form prescribed by
640 the department. A copy of Internal Revenue Service Form 990 and
641 all attached schedules filed for the preceding fiscal year, or a
642 copy of Internal Revenue Form 990-EZ and Schedule O for the
643 preceding fiscal year, for the parent organization and each
644 Florida chapter, branch, or affiliate that is required to file
645 such forms must be attached to the consolidated financial
646 statement. The consolidated financial statement must comply with
647 the requirements of s. 496.407 and must reflect the activities
648 of each chapter, branch, or affiliate of the parent
649 organization, including all contributions received in the name
650 of each chapter, branch, or affiliate; all payments made to each
651 chapter, branch, or affiliate; and all administrative fees
652 assessed to each chapter, branch, or affiliate.

653 (4)

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

660 (7) (a) The department must examine each initial
661 registration statement or annual renewal statement and the
662 supporting documents filed by a charitable organization or
663 sponsor and shall determine whether the registration
664 requirements are satisfied. Within 15 business ~~working~~ days
665 after its receipt of a statement, the department must examine
666 the statement, notify the applicant of any apparent errors or
667 omissions, and request any additional information the department

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668 is allowed by law to require. Failure to correct an error or
669 omission or to supply additional information is not grounds for
670 denial of the initial registration or annual renewal statement
671 unless the department has notified the applicant within such
672 period of 15 business days ~~the 15-working-day period~~. The
673 department must approve or deny each statement, or must notify
674 the applicant that the activity for which she or he seeks
675 registration is exempt from the registration requirement, within
676 15 business ~~working~~ days after receipt of the initial
677 registration or annual renewal statement or the requested
678 additional information or correction of errors or omissions. Any
679 statement that is not approved or denied within 15 business
680 ~~working~~ days after receipt of the requested additional
681 information or correction of errors or omissions is approved.
682 Within 7 business ~~working~~ days after receipt of a notification
683 that the registration requirements are not satisfied, the
684 charitable organization or sponsor may request a hearing. The
685 hearing must be held within 7 business ~~working~~ days after
686 receipt of the request, and any recommended order, if one is
687 issued, must be rendered within 3 business ~~working~~ days of the
688 hearing. The final order must then be issued within 2 business
689 ~~working~~ days after the recommended order. If a recommended order
690 is not issued, the final order must be issued within 5 business
691 ~~working~~ days after the hearing. The proceedings must be
692 conducted in accordance with chapter 120, except that the time
693 limits and provisions set forth in this subsection prevail to
694 the extent of any conflict.

695 (b) If a charitable organization or sponsor discloses
696 information specified in subparagraphs (2)(d)2.-7. in the

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697 initial registration statement or annual renewal statement, the
698 time limits of this subsection are waived, and the department
699 shall process such initial registration statement or annual
700 renewal statement in accordance with the time limits in chapter
701 120. The registration of a charitable organization or sponsor
702 shall be automatically suspended for failure to disclose any
703 information specified in subparagraphs (2)(d)2.-7. until such
704 time as the required information is submitted to the department.

705 (8) A ~~No~~ charitable organization or sponsor, or any
706 officer, director, trustee, or employee thereof, may not shall
707 knowingly allow any officer, director, trustee, or employee of
708 the charitable organization or sponsor of its officers,
709 ~~directors, trustees, or employees~~ to solicit contributions on
710 behalf of such charitable organization or sponsor if such
711 officer, director, trustee, or employee has, in any state,
712 regardless of adjudication, been convicted of, or found guilty
713 of, or pled guilty or nolo contendere to, or has been
714 incarcerated within the last 10 years as a result of having
715 previously been convicted of, or found guilty of, or pled guilty
716 or nolo contendere to, any felony within the last 10 years or
717 any crime within the last 10 years involving fraud, theft,
718 larceny, embezzlement, fraudulent conversion, misappropriation
719 of property, or any crime arising from the conduct of a
720 solicitation for a charitable organization or sponsor, or has
721 been enjoined, in any state, from violating any law relating to
722 a charitable solicitation. The prohibitions in this subsection
723 also apply to any misdemeanor in another state which constitutes
724 a disqualifying felony in this state.

725 (9) The department may deny or revoke the registration of a

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726 charitable organization or sponsor if the charitable
727 organization or sponsor, or any officer, director, or trustee
728 thereof, has had the right to solicit contributions revoked in
729 any state or has been ordered by any court or governmental
730 agency to cease soliciting contributions within any state.

731 (10) A charitable organization or sponsor registered under
732 this section which ends solicitation activities or participation
733 in charitable sales promotions in this state shall immediately
734 notify the department in writing of the date such activities
735 ceased.

736 Section 6. Section 496.4055, Florida Statutes, is created
737 to read:

738 496.4055 Charitable organization or sponsor board duties.-

739 (1) As used in this section, the term "conflict of interest
740 transaction" means a transaction between a charitable
741 organization or sponsor and another party in which a director,
742 officer, or trustee of the charitable organization or sponsor
743 has a direct or indirect financial interest. The term includes,
744 but is not limited to, the sale, lease, or exchange of property
745 to or from the charitable organization or sponsor; the lending
746 of moneys to or borrowing of moneys from the charitable
747 organization or sponsor; and the payment of compensation for
748 services provided to or from the charitable organization or
749 sponsor.

750 (2) The board of directors, or an authorized committee
751 thereof, of a charitable organization or sponsor required to
752 register with the department under s. 496.405 shall adopt a
753 policy regarding conflict of interest transactions. The policy
754 must require annual certification of compliance with the policy

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755 by all directors, officers, and trustees of the charitable
756 organization or sponsor.

757 (3) The charitable organization or sponsor shall provide to
758 the department a copy of the policy adopted under subsection (2)
759 with the annual registration statement required under s.
760 496.405.

761 Section 7. Section 496.407, Florida Statutes, is amended to
762 read:

763 496.407 Financial statement ~~report~~.—

764 (1) A charitable organization or sponsor that is required
765 to initially register or annually renew registration must file
766 an annual financial statement ~~report~~ for the immediately
767 preceding fiscal year on ~~upon~~ a form prescribed by the
768 department.

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

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

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

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

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

779 a. ~~1.~~ Program service costs.

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

781 c. ~~3.~~ Fundraising costs.

782 (b) The financial statement must be audited, or reviewed as
783 follows:

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

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

791 3. For a charitable organization or sponsor that receives
792 \$1 million or more in annual contributions, the financial
793 statement shall be audited by an independent certified public
794 accountant.

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

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

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

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

806 (2) In lieu of the financial ~~statement report~~ described in
807 subsection (1), a charitable organization or sponsor may submit
808 as its financial statement a copy of its Internal Revenue
809 Service Form 990 and all attached schedules filed for the
810 preceding fiscal year, or a copy of its Internal Revenue Service
811 Form 990-EZ and Schedule O filed for the preceding fiscal year.
812 Such forms and schedules submitted by a charitable organization

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813 or sponsor that receives at least \$500,000 in annual
814 contributions must be prepared by a certified public accountant
815 or other professional who normally prepares such forms and
816 schedules in the ordinary course of their business.

817 (3) Upon a showing of good cause by a charitable
818 organization or sponsor, the department may extend the time for
819 the filing of a financial statement required under this section
820 by up to 180 days, during which time the previous registration
821 shall remain active. The registration shall be automatically
822 suspended for failure to file the financial statement within the
823 extension period.

824 (4) Upon a showing of good cause, the department may
825 require that an audit or review be conducted for any financial
826 statement submitted by any charitable organization or sponsor.
827 As used in this subsection, the term "good cause" includes, but
828 is not limited to, irregular or inconsistent information
829 provided on a charitable organization's or sponsor's financial
830 statement. A charitable organization or sponsor may elect to
831 also include a financial report that has been audited by an
832 independent certified public accountant or an audit with opinion
833 by an independent certified public accountant. In the event that
834 a charitable organization or sponsor elects to file an audited
835 financial report, this optional filing must be noted in the
836 department's annual report submitted pursuant to s. 496.423.

837 Section 8. Section 496.4071, Florida Statutes, is created
838 to read:

839 496.4071 Supplemental financial disclosure.-

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

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842 total revenue and spent less than 25 percent of the
843 organization's total annual functional expenses on program
844 service costs, in addition to any financial statement required
845 under s. 496.407, the charitable organization or sponsor shall
846 file the following supplemental financial information on a form
847 prescribed by the department:

848 (a) The dollar amount and the percentage of total revenue
849 and charitable contributions allocated to funding each of the
850 following administrative functions:

851 1. Total salaries of all persons employed by the charitable
852 organization or sponsor.

853 2. Fundraising, including the names of any professional
854 solicitors, amounts paid to the professional solicitors, and
855 contributions received from a professional solicitor's campaign.

856 3. Travel expenses.

857 4. Overhead and other expenses related to managing and
858 administering the charitable organization or sponsor.

859 (b) The name of and specific sum earned by or paid to all
860 employees or consultants who earned or were paid more than
861 \$100,000 during the immediately preceding fiscal year.

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

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

868 (e) The details of any economic or business transactions
869 between the charitable organization or sponsor and an officer,
870 trustee, or director of the charitable organization or sponsor;

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871 the immediate family of an officer, trustee, or director of the
872 charitable organization or sponsor; any entity controlled by an
873 officer, trustee, or director of the charitable organization or
874 sponsor; any entity controlled by the immediate family of an
875 officer, trustee, or director of the charitable organization or
876 sponsor; any entity that employed or engaged for consultation an
877 officer, trustee, or director of the charitable organization or
878 sponsor; and any entity that employed or engaged for
879 consultation the immediate family of an officer, trustee, or
880 director of the charitable organization or sponsor. As used in
881 this paragraph, the term "immediate family" means a parent,
882 spouse, child, sibling, grandparent, grandchild, brother-in-law,
883 sister-in-law, son-in-law, daughter-in-law, mother-in-law, or
884 father-in-law.

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

889 Section 9. Section 496.4072, Florida Statutes, is created
890 to read:

891 496.4072 Financial statements for specific disaster relief
892 solicitations.—

893 (1) A charitable organization or sponsor that solicits
894 contributions in this state for a charitable purpose related to
895 a specific disaster or crisis and receives at least \$100,000 in
896 contributions in response to such solicitation shall file
897 quarterly disaster relief financial statements with the
898 department on a form prescribed by the department. The quarterly
899 statements must detail the contributions secured as a result of

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900 the solicitation and the manner in which such contributions were
901 expended.

902 (2) The first quarterly statement shall be filed on the
903 last day of the third month following the accrual of at least
904 \$100,000 in contributions after the commencement of
905 solicitations for the specific disaster or crisis. The
906 charitable organization or sponsor shall continue to file
907 quarterly statements with the department until the quarter after
908 all contributions raised in response to the solicitation are
909 expended.

910 (3) The department shall post notice on its website of the
911 specific disasters and crises subject to the additional
912 reporting requirements in this section within 10 days after such
913 disaster or crisis.

914 Section 10. Subsections (4), (6), and (9) of section
915 496.409, Florida Statutes, are amended, and subsection (10) is
916 added to that section, to read:

917 496.409 Registration and duties of professional fundraising
918 consultant.—

919 (4) A professional fundraising consultant may enter into a
920 contract or agreement with a charitable organization or sponsor
921 only if the charitable organization or sponsor has complied with
922 all applicable provisions of this chapter. A ~~Every~~ contract or
923 agreement between a professional fundraising consultant and a
924 charitable organization or sponsor must be in writing, signed by
925 two authorized officials of the charitable organization or
926 sponsor, and filed by the professional fundraising consultant
927 with the department at least 5 days before ~~prior to~~ the
928 performance of any material service by the professional

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929 fundraising consultant. Solicitation under the contract or
930 agreement may not begin before the filing of the contract or
931 agreement.

932 (6) (a) The department shall examine each registration
933 statement and all supporting documents filed by a professional
934 fundraising consultant and determine whether the registration
935 requirements are satisfied. If the department determines that
936 the registration requirements are not satisfied, the department
937 must notify the professional fundraising consultant within 15
938 business working days after its receipt of the registration
939 statement; otherwise the registration statement is approved.
940 Within 7 business working days after receipt of a notification
941 that the registration requirements are not satisfied, the
942 applicant may request a hearing. The hearing must be held within
943 7 business working days after receipt of the request, and any
944 recommended order, if one is issued, must be rendered within 3
945 business working days after the hearing. The final order must
946 then be issued within 2 business working days after the
947 recommended order. If there is no recommended order, the final
948 order must be issued within 5 business working days after the
949 hearing. The proceedings must be conducted in accordance with
950 chapter 120, except that the time limits and provisions ~~set~~
951 ~~forth~~ in this subsection prevail to the extent of any conflict.

952 (b) If a professional fundraising consultant discloses
953 information specified in paragraphs (2) (e)-(g) in the initial
954 application for registration or renewal application, the
955 processing time limits of this subsection are waived and the
956 department shall process the initial application for
957 registration or the renewal application in accordance with the

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958 time limits in chapter 120. The registration of a professional
959 consultant shall be automatically suspended for failure to
960 disclose any information specified in paragraphs (2)(e)-(g)
961 until such time as the required information is submitted to the
962 department.

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

978 (10) The department may deny or revoke the registration of
979 a professional fundraising consultant if the professional
980 fundraising consultant, or any of its officers, directors, or
981 trustees, has had the right to solicit contributions revoked in
982 any state or has been ordered by any court or governmental
983 agency to cease soliciting contributions within any state.

984 Section 11. Present subsections (3), (5), (7), (14), and
985 (15) of section 496.410, Florida Statutes, are amended,
986 paragraphs (j), (k), and (l) are added to subsection (2) of that

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987 section, paragraphs (i) through (n) are added to subsection (6)
988 of that section, and a new subsection (15) is added to that
989 section, to read:

990 496.410 Registration and duties of professional
991 solicitors.—

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

997 (j) A list of all telephone numbers the applicant will use
998 to solicit contributions as well as the actual physical address
999 associated with each telephone number and any fictitious names
1000 associated with such address.

1001 (k) A copy of any script, outline, or presentation used by
1002 the applicant to solicit contributions or, if such solicitation
1003 aids are not used, written confirmation thereof.

1004 (l) A copy of sales information or literature provided to a
1005 donor or potential donor by the applicant in connection with a
1006 solicitation.

1007 (3) The application for registration must be accompanied by
1008 a fee of \$300. ~~A professional solicitor that is a partnership or~~
1009 ~~corporation may register for and pay a single fee on behalf of~~
1010 ~~all of its partners, members, officers, directors, agents, and~~
1011 ~~employees. In that case,~~ The names and street addresses of all
1012 the officers, employees, and agents of the professional
1013 solicitor and all other persons with whom the professional
1014 solicitor has contracted to work under its direction, including
1015 solicitors, must be listed in the application or furnished to

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1016 the department within 5 days after the date of employment or
1017 contractual arrangement. Each registration is valid for 1 year
1018 ~~and. The registration~~ may be renewed for an additional 1-year
1019 period upon application to the department and payment of the
1020 registration fee.

1021 (5) (a) The department must examine each registration
1022 statement and supporting documents filed by a professional
1023 solicitor. If the department determines that the registration
1024 requirements are not satisfied, the department must notify the
1025 professional solicitor within 15 business ~~working~~ days after its
1026 receipt of the registration statement; otherwise the
1027 registration statement is approved. Within 7 business ~~working~~
1028 days after receipt of a notification that the registration
1029 requirements are not satisfied, the applicant may request a
1030 hearing. The hearing must be held within 7 business ~~working~~ days
1031 after receipt of the request, and any recommended order, if one
1032 is issued, must be rendered within 3 business ~~working~~ days after
1033 the hearing. The final order must then be issued within 2
1034 business ~~working~~ days after the recommended order. If there is
1035 no recommended order, the final order must be issued within 5
1036 business ~~working~~ days after the hearing. The proceedings must be
1037 conducted in accordance with chapter 120, except that the time
1038 limits and provisions ~~set forth~~ in this subsection prevail to
1039 the extent of any conflict.

1040 (b) If a professional solicitor makes a disclosure
1041 specified in paragraphs (2) (f)-(h) in the initial application
1042 for registration or the renewal application, the processing time
1043 limits of this subsection are waived and the department shall
1044 process the initial application for registration or renewal

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1045 application in accordance with the time limits in chapter 120.

1046 The registration of a professional solicitor shall be
1047 automatically suspended for failure to disclose any information
1048 specified in paragraphs (2) (f)-(h) until such time as the
1049 required information is submitted to the department.

1050 (6) No less than 15 days before commencing any solicitation
1051 campaign or event, the professional solicitor must file with the
1052 department a solicitation notice on a form prescribed by the
1053 department. The notice must be signed and sworn to by the
1054 contracting officer of the professional solicitor and must
1055 include:

1056 (i) A statement of the guaranteed minimum percentage of the
1057 gross receipts from contributions which will be remitted to the
1058 charitable organization or sponsor, if any, or, if the
1059 solicitation involves the sale of goods, services, or tickets to
1060 a fundraising event, the percentage of the purchase price which
1061 will be remitted to the charitable organization or sponsor, if
1062 any.

1063 (j) The percentage of a contribution which may be deducted
1064 as a charitable contribution under federal income tax laws.

1065 (k) A statement as to whether any owner, director, officer,
1066 trustee, or employee of the professional solicitor is related as
1067 a parent, spouse, child, sibling, grandparent, grandchild,
1068 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
1069 mother-in-law, or father-in-law to:

1070 1. Another officer, director, owner, trustee, or employee
1071 of the professional solicitor.

1072 2. Any officer, director, owner, trustee, or employee of a
1073 charitable organization or sponsor under contract to the

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1074 professional solicitor.

1075 3. Any supplier or vendor providing goods or services to a
1076 charitable organization or sponsor under contract to the
1077 professional solicitor.

1078 (l) The beginning and ending dates of the solicitation
1079 campaign.

1080 (m) A copy of any script, outline, or presentation used by
1081 the professional solicitor to solicit contributions for the
1082 solicitation campaign. If such aids are not used, written
1083 confirmation thereof.

1084 (n) A copy of sales information or literature provided to a
1085 donor or potential donor by the professional solicitor in
1086 connection with the solicitation campaign.

1087 (7) A professional solicitor may enter into a contract or
1088 agreement with a charitable organization or sponsor only if the
1089 charitable organization or sponsor has complied with all
1090 applicable provisions of this chapter. A ~~Each~~ contract or
1091 agreement between a professional solicitor and a charitable
1092 organization or sponsor for each solicitation campaign must be
1093 in writing, signed by two authorized officials of the charitable
1094 organization or sponsor, one of whom must be a member of the
1095 organization's governing body and one of whom must be the
1096 authorized contracting officer for the professional solicitor,
1097 and contain all of the following provisions:

1098 (a) A statement of the charitable or sponsor purpose and
1099 program for which the solicitation campaign is being conducted.

1100 (b) A statement of the respective obligations of the
1101 professional solicitor and the charitable organization or
1102 sponsor.

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1103 (c) A statement of the guaranteed minimum percentage of the
1104 gross receipts from contributions which will be remitted to the
1105 charitable organization or sponsor, if any, or, if the
1106 solicitation involves the sale of goods, services, or tickets to
1107 a fundraising event, the percentage of the purchase price which
1108 will be remitted to the charitable organization or sponsor, if
1109 any. Any stated percentage shall exclude any amount which the
1110 charitable organization or sponsor is to pay as fundraising
1111 costs.

1112 (d) A statement of the percentage of the gross revenue
1113 which the professional solicitor will be compensated. If the
1114 compensation of the professional solicitor is not contingent
1115 upon the number of contributions or the amount of revenue
1116 received, his or her compensation shall be expressed as a
1117 reasonable estimate of the percentage of the gross revenue, and
1118 the contract must clearly disclose the assumptions upon which
1119 the estimate is based. The stated assumptions must be based upon
1120 all of the relevant facts known to the professional solicitor
1121 regarding the solicitation to be conducted by the professional
1122 solicitor.

1123 (e) The effective and termination dates of the contract.

1124 (14) A ~~No~~ person may not act as a professional solicitor,
1125 and a ~~no~~ professional solicitor, or any officer, director,
1126 trustee, or employee thereof, may not ~~shall~~, to solicit for
1127 compensation, knowingly employ any officer, trustee, director,
1128 employee, or any person with a controlling interest therein, who
1129 has, in any state, regardless of adjudication, been convicted
1130 of, or found guilty of, or pled guilty or nolo contendere to, or
1131 has been incarcerated within the last 10 years as a result of

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1132 having previously been convicted of, or found guilty of, or pled
1133 guilty or nolo contendere to, a felony within the last 10 years
1134 involving fraud, theft, larceny, embezzlement, fraudulent
1135 conversion, or misappropriation of property, or any crime
1136 arising from the conduct of a solicitation for a charitable
1137 organization or sponsor, or has been enjoined in any state from
1138 violating any law relating to a charitable solicitation. The
1139 prohibitions in this subsection also apply to any misdemeanor in
1140 another state which constitutes a disqualifying felony in this
1141 state.

1142 (15) The department may deny or revoke the registration of
1143 a professional solicitor if the professional solicitor, or any
1144 of its officers, directors, trustees, or agents, has had the
1145 right to solicit contributions revoked in any state or has been
1146 ordered by any court or governmental agency to cease soliciting
1147 contributions within any state.

1148 (16) ~~(15)~~ All registration fees must be paid to the
1149 department and deposited into the General Inspection Trust Fund.

1150 Section 12. Section 496.4101, Florida Statutes, is created
1151 to read:

1152 496.4101 Licensure of professional solicitors and certain
1153 employees thereof.—

1154 (1) Each officer, director, trustee, or owner of a
1155 professional solicitor and any employee of a professional
1156 solicitor conducting telephonic solicitations during which a
1157 donor's or potential donor's personal financial information is
1158 requested or provided must, before engaging in solicitation
1159 activities, obtain a solicitor license from the department. As
1160 used in this subsection the term "personal financial

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1161 information" includes, but is not limited to, social security
1162 numbers, credit card numbers, banking information, and credit
1163 reports.

1164 (2) Persons required to obtain a solicitor license under
1165 subsection (1) shall submit to the department, in such form as
1166 the department prescribes, an application for a solicitor
1167 license. The application must include all of the following
1168 information:

1169 (a) The true name, date of birth, unique identification
1170 number of a driver license or other valid form of
1171 identification, and home address of the applicant.

1172 (b) If the applicant, in any state, regardless of
1173 adjudication, has previously been convicted of, or found guilty
1174 of, or pled guilty or nolo contendere to, or has been
1175 incarcerated within the last 10 years as a result of having
1176 previously been convicted of, or found guilty of, or pled guilty
1177 or nolo contendere to, any crime within the last 10 years
1178 involving fraud, theft, larceny, embezzlement, fraudulent
1179 conversion, or misappropriation of property, or any crime
1180 arising from the conduct of a solicitation for a charitable
1181 organization or sponsor, or has been enjoined, in any state,
1182 from violating any law relating to a charitable solicitation.

1183 (c) If the applicant, in any state, is involved in pending
1184 litigation or has had entered against her or him an injunction,
1185 a temporary restraining order, or a final judgment or order,
1186 including a stipulated judgment or order, an assurance of
1187 voluntary compliance, cease and desist, or any similar document,
1188 in any civil or administrative action involving fraud, theft,
1189 larceny, embezzlement, fraudulent conversion, or

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1190 misappropriation of property, or has been enjoined from
1191 violating any law relating to a charitable solicitation.

1192 (3) (a) Each applicant shall submit a complete set of his or
1193 her fingerprints to an agency, entity, or vendor authorized by
1194 s. 943.053(13). The fingerprints shall be forwarded to the
1195 Department of Law Enforcement for state processing, and the
1196 Department of Law Enforcement shall forward the fingerprints to
1197 the Federal Bureau of Investigation for national processing.

1198 (b) Fees for state and national fingerprint processing and
1199 retention shall be borne by the applicant. The state cost for
1200 fingerprint processing is that authorized in s. 943.053(3) (b)
1201 for records provided to persons or entities other than those
1202 specified as exceptions therein.

1203 (c) All fingerprints submitted to the Department of Law
1204 Enforcement as required under this subsection shall be retained
1205 by the Department of Law Enforcement as provided under s.
1206 943.05(2) (g) and (h) and enrolled in the Federal Bureau of
1207 Investigation's national retained print arrest notification
1208 program. Fingerprints may not be enrolled in the national
1209 retained print arrest notification program until the Department
1210 of Law Enforcement begins participation with the Federal Bureau
1211 of Investigation. Arrest fingerprints will be searched against
1212 the retained prints by the Department of Law Enforcement and the
1213 Federal Bureau of Investigation.

1214 (d) For any renewal of the applicant's license, the
1215 department shall request the Department of Law Enforcement to
1216 forward the retained fingerprints of the applicant to the
1217 Federal Bureau of Investigation unless the applicant is enrolled
1218 in the national retained print arrest notification program

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1219 described in paragraph (c). The fee for the national criminal
1220 history check will be paid as part of the renewal fee to the
1221 department and forwarded by the department to Department of Law
1222 Enforcement. If the applicant's fingerprints are retained in the
1223 national retained print arrest notification program, the
1224 applicant shall pay the state and national retention fee to the
1225 department which will forward the fee to the Department of Law
1226 Enforcement.

1227 (e) The department shall notify the Department of Law
1228 Enforcement regarding any person whose fingerprints have been
1229 retained but who is no longer licensed under this chapter.

1230 (f) The department shall screen background results to
1231 determine if an applicant meets licensure requirements.

1232 (4) A solicitor license must be renewed annually by the
1233 submission of a renewal application. A solicitor license that is
1234 not renewed expires without further action by the department.

1235 (5) Each applicant for a solicitor license shall remit a
1236 license fee of \$50 to the department at the time the initial
1237 application is filed with the department and an annual renewal
1238 fee of \$50 thereafter. All fees collected, less the cost of
1239 administration, shall be deposited into the General Inspection
1240 Trust Fund.

1241 (6) Any material change to the information submitted to the
1242 department in the initial application or renewal application for
1243 a solicitor license shall be reported to the department by the
1244 applicant or licensee within 10 days after the change occurs.
1245 The applicant or licensee shall also remit a fee in the amount
1246 of \$10 for processing the change to the initial or renewal
1247 application.

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- 1248 (7) It is a violation of this chapter:
- 1249 (a) For an applicant to provide inaccurate or incomplete
1250 information to the department in the initial or renewal
1251 application for a solicitor license.
- 1252 (b) For any person specified in subsection (1) to fail to
1253 maintain a solicitor license as required by this section.
- 1254 (c) For a professional solicitor to allow, require, permit,
1255 or authorize an employee without an active solicitor license
1256 issued under this section to conduct telephonic solicitations.
- 1257 (8) The department shall adopt rules that allow applicants
1258 to engage in solicitation activities on an interim basis until
1259 such time as a solicitor license is granted or denied.
- 1260 (9) The department may deny or revoke any solicitor license
1261 if the applicant or licensee has had the right to solicit
1262 contributions revoked in any state, has been ordered by any
1263 court or governmental agency to cease soliciting contributions
1264 within any state, or is subject to any disqualification
1265 specified in s. 496.410(14).
- 1266 (10) Any administrative proceeding that could result in
1267 entry of an order under this section shall be conducted in
1268 accordance with chapter 120.
- 1269 Section 13. Subsections (2) and (3) of section 496.411,
1270 Florida Statutes, are amended to read:
- 1271 496.411 Disclosure requirements and duties of charitable
1272 organizations and sponsors.—
- 1273 (2) A charitable organization or sponsor soliciting in this
1274 state must include all of the following disclosures at the point
1275 of solicitation:
- 1276 (a) The name of the charitable organization or sponsor and

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1277 state of the principal place of business of the charitable
1278 organization or sponsor.~~†~~

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

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

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

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

1299 (3) Every charitable organization or sponsor that ~~which~~ is
1300 required to register under s. 496.405 or is exempt under s.
1301 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~
1302 ~~letters~~ the following statement on every ~~printed~~ solicitation,
1303 ~~written~~ confirmation, receipt, or reminder of a contribution:

1304
1305 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL

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1306 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1307 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1308 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1309 APPROVAL, OR RECOMMENDATION BY THE STATE.”

1310

1311 The statement must include a toll-free number and website for
1312 the division which ~~that~~ can be used to obtain the registration
1313 information. If ~~When~~ the solicitation consists of more than one
1314 piece, the statement must be displayed prominently in the
1315 solicitation materials. If the solicitation occurs through a
1316 website, the statement must be conspicuously displayed on any
1317 webpage that identifies a mailing address where contributions
1318 are to be sent, identifies a telephone number to call to process
1319 contributions, or provides for online processing of
1320 contributions.

1321 Section 14. Subsection (1) of section 496.412, Florida
1322 Statutes, is amended to read:

1323 496.412 Disclosure requirements and duties of professional
1324 solicitors.—

1325 (1) A professional solicitor must comply with and be
1326 responsible for complying or causing compliance with the
1327 following disclosures:

1328 (a) Before ~~Prior to~~ orally requesting a contribution, or
1329 contemporaneously with a written request for a contribution, a
1330 professional solicitor must clearly disclose:

1331 1. The name of the professional solicitor as on file with
1332 the department.

1333 2. If the individual acting on behalf of the professional
1334 solicitor identifies himself or herself by name, the

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1335 individual's legal name.

1336 3. The name and state of the principal place of business of
1337 the charitable organization or sponsor and a description of how
1338 the contributions raised by the solicitation will be used for a
1339 charitable or sponsor purpose; or, if there is no charitable
1340 organization or sponsor, a description as to how the
1341 contributions raised by the solicitation will be used for a
1342 charitable or sponsor purpose.

1343 (b) In the case of a solicitation campaign conducted
1344 orally, whether by telephone or otherwise, any written
1345 confirmation, receipt, or reminder sent to any person who has
1346 contributed or has pledged to contribute, shall include a clear
1347 disclosure of the information required by paragraph (a).

1348 (c) In addition to the information required by paragraph
1349 (a), any written confirmation, receipt, or reminder of
1350 contribution made pursuant to an oral solicitation and any
1351 ~~written~~ solicitation shall conspicuously state ~~in capital~~
1352 ~~letters~~:

1353
1354 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
1355 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
1356 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE
1357 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,
1358 APPROVAL, OR RECOMMENDATION BY THE STATE."

1359
1360 The statement must include a toll-free number and website for
1361 the division which ~~that~~ can be used to obtain the registration
1362 information. If ~~When~~ the solicitation consists of more than one
1363 piece, the statement must be displayed prominently in the

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1364 solicitation materials. If the solicitation occurs through a
1365 website, the statement must be conspicuously displayed on any
1366 webpage that identifies a mailing address where contributions
1367 are to be sent, identifies a telephone number to call to process
1368 contributions, or provides for online processing of
1369 contributions.

1370 (d) If requested by the person being solicited, the
1371 professional solicitor shall inform that person in writing,
1372 within 14 days after ~~of~~ the request, of the fixed percentage of
1373 the gross revenue or the reasonable estimate of the percentage
1374 of the gross revenue that the charitable organization or sponsor
1375 will receive as a benefit from the solicitation campaign or
1376 shall immediately notify the person being solicited that the
1377 information is available on the department's website or by
1378 calling the division's toll-free number.

1379 (e) If requested by the person being solicited, the
1380 professional solicitor shall inform that person in writing,
1381 within 14 days after ~~of~~ the request, of the percentage of the
1382 contribution which may be deducted as a charitable contribution
1383 under federal income tax laws or shall immediately notify the
1384 person being solicited that the information is available on the
1385 department's website or by calling the division's toll-free
1386 number.

1387 Section 15. Section 496.4121, Florida Statutes, is created
1388 to read:

1389 496.4121 Collection receptacles used for donations.-

1390 (1) As used in this section, the term "collection
1391 receptacle" means a receptacle used to collect donated clothing,
1392 household items, or other goods for resale.

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1393 (2) A collection receptacle must display a permanent sign
1394 or label on each side which contains the following information
1395 printed in letters that are at least 3 inches in height and no
1396 less than one-half inch in width, in a color that contrasts with
1397 the color of the collection receptacle:

1398 (a) For collection receptacles used by a person required to
1399 register under this chapter, the name, business address,
1400 telephone number, and registration number of the charitable
1401 organization or sponsor for whom the solicitation is made.

1402 (b) For collection receptacles placed or maintained in
1403 public view by a person not required to register under this
1404 chapter or by a person not claiming an exemption pursuant to s.
1405 496.406, the name, telephone number, and physical address of the
1406 business conducting the solicitation and the statement: "This is
1407 not a charity. Donations made here support a for-profit business
1408 and are not tax deductible."

1409 (3) Upon request, a charitable organization or sponsor
1410 using a collection receptacle must provide the donor with
1411 documentation of its tax-exempt status and the registration
1412 issued under this chapter.

1413 Section 16. Subsection (2) of section 496.415, Florida
1414 Statutes, is amended, and subsection (18) is added to that
1415 section, to read:

1416 496.415 Prohibited acts.—It is unlawful for any person in
1417 connection with the planning, conduct, or execution of any
1418 solicitation or charitable or sponsor sales promotion to:

1419 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate
1420 information in a document that is filed with the department,
1421 provided to the public, or offered in response to a request or

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1422 investigation by the department, the Department of Legal
1423 Affairs, or the state attorney.

1424 (18) Fail to remit to a charitable organization or sponsor
1425 the disclosed guaranteed minimum percentage of gross receipts
1426 from contributions as required under s. 496.410(7)(c) or, if the
1427 solicitation involved the sale of goods, services, or tickets to
1428 a fundraising event, the percentage of the purchase price as
1429 agreed in the contract or agreement as required under this
1430 chapter.

1431 Section 17. Subsection (5) of section 496.419, Florida
1432 Statutes, is amended to read:

1433 496.419 Powers of the department.—

1434 (5) Upon a finding as set forth in subsection (4), the
1435 department may enter an order doing one or more of the
1436 following:

1437 (a) Issuing a notice of noncompliance pursuant to s.
1438 120.695;

1439 (b) Issuing a cease and desist order that directs that the
1440 person cease and desist specified fundraising activities;

1441 (c) Refusing to register or canceling or suspending a
1442 registration;

1443 (d) Placing the registrant on probation for a period of
1444 time, subject to such conditions as the department may specify;

1445 (e) Canceling an exemption granted under s. 496.406; ~~and~~

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

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1451 subsection may ~~shall~~ not exceed \$500 per violation for failure
1452 to register under s. 496.405 or file for an exemption under s.
1453 496.406(2). The penalty shall be the entire amount per violation
1454 and is not ~~to be interpreted as~~ a daily penalty; and

1455 (g) Imposing an administrative fine not to exceed \$10,000
1456 for a violation of this chapter that involves fraud or
1457 deception.

1458 Section 18. Section 496.4191, Florida Statutes, is created
1459 to read:

1460 496.4191 Additional penalty; immediate suspension.—Upon
1461 notification and subsequent written verification by a law
1462 enforcement agency, a court, a state attorney, or the Florida
1463 Department of Law Enforcement, the department shall immediately
1464 suspend a registration or the processing of an application for a
1465 registration if the registrant, applicant, or any officer or
1466 director of the registrant or applicant is formally charged with
1467 a crime involving fraud, theft, larceny, embezzlement, or
1468 fraudulent conversion or misappropriation of property or any
1469 crime arising from the conduct of a solicitation for a
1470 charitable organization or sponsor until final disposition of
1471 the case or removal or resignation of that officer or director.

1472 Section 19. Section 496.430, Florida Statutes, is created
1473 to read:

1474 496.430 Disqualification for certain tax exemptions.—

1475 (1) In addition to the penalties provided for in s.
1476 496.419(5), the department may issue an order to disqualify a
1477 charitable organization or sponsor from receiving any sales tax
1478 exemption certificate issued by the Department of Revenue if the
1479 department finds a violation of s. 496.419(4).

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1480 (2) A charitable organization or sponsor may appeal a
1481 disqualification order by requesting a hearing within 21 days
1482 after notification from the department that it has issued a
1483 disqualification order under this section. The hearing must be
1484 conducted in accordance with chapter 120.

1485 (3) A disqualification order issued by the department
1486 pursuant to this section is effective for 1 year after such
1487 order becomes final.

1488 (4) The department shall provide a disqualification order
1489 to the Department of Revenue within 30 days after such order
1490 becomes final. A final disqualification order is conclusive as
1491 to the charitable organization's or sponsor's entitlement to any
1492 sales tax exemption. The Department of Revenue shall revoke or
1493 refuse to grant a sales tax exemption certificate to a
1494 charitable organization or sponsor subject to a final
1495 disqualification order within 30 days after receiving such
1496 disqualification order. A charitable organization or sponsor may
1497 not appeal or challenge the revocation or denial of a sales tax
1498 exemption certificate by the Department of Revenue if such
1499 revocation or denial is based upon a final disqualification
1500 order issued pursuant to this section.

1501 Section 20. Section 496.431, Florida Statutes, is created
1502 to read:

1503 496.431 Severability.—If any provision of this chapter or
1504 its application to any person or circumstance is held invalid,
1505 the invalidity does not affect other provisions or applications
1506 of this chapter which can be given effect without the invalid
1507 provision or application, and to this end the provisions of this
1508 chapter are severable.

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1509 Section 21. Paragraph (a) of subsection (3) of section
1510 741.0305, Florida Statutes, is amended to read:

1511 741.0305 Marriage fee reduction for completion of
1512 premarital preparation course.—

1513 (3) (a) All individuals electing to participate in a
1514 premarital preparation course shall choose from the following
1515 list of qualified instructors:

1516 1. A psychologist licensed under chapter 490.

1517 2. A clinical social worker licensed under chapter 491.

1518 3. A marriage and family therapist licensed under chapter
1519 491.

1520 4. A mental health counselor licensed under chapter 491.

1521 5. An official representative of a religious institution
1522 which is recognized under s. 496.404(23) ~~s. 496.404(19)~~, if the
1523 representative has relevant training.

1524 6. Any other provider designated by a judicial circuit,
1525 including, but not limited to, school counselors who are
1526 certified to offer such courses. Each judicial circuit may
1527 establish a roster of area course providers, including those who
1528 offer the course on a sliding fee scale or for free.

1529 Section 22. For the 2014-2015 fiscal year, there is
1530 appropriated to the Department of Agriculture and Consumer
1531 Services, the sums of \$179,944 in recurring and \$235,584 in
1532 nonrecurring funds from the General Inspection Trust Fund, and
1533 three full-time equivalent positions with associated salary rate
1534 of 110,441 are authorized for the purpose of implementing this
1535 act.

1536 Section 23. This act shall take effect July 1, 2014.