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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/23/2024	.	
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The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 737 - 1068

and insert:

Section 15. Paragraph (d) of subsection (1), subsection (3), and paragraph (a) of subsection (4) of section 496.405, Florida Statutes, are amended to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted



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11 pursuant to s. 496.406, which intends to solicit contributions
12 in or from this state by any means or have funds solicited on
13 its behalf by any other person, charitable organization,
14 sponsor, commercial co-venturer, or professional solicitor, or
15 that participates in a charitable sales promotion or sponsor
16 sales promotion, must, before engaging in any of these
17 activities, file an initial registration statement, and a
18 renewal statement annually thereafter, with the department.

19 (d) The registration of a charitable organization or
20 sponsor may not continue in effect and shall expire without
21 further action of the department under either of the following
22 circumstances:

23 1. After the date the charitable organization or sponsor
24 should have filed, but failed to file, its renewal statement in
25 accordance with this section.

26 2. For failure to provide a financial statement within any
27 extension period provided under s. 496.407.

28 (3) Each chapter, branch, or affiliate of a parent
29 organization ~~that is~~ required to register under this section
30 must file a separate registration statement and financial
31 statement or report the required information to its parent
32 organization, which shall then file, on a form prescribed by the
33 department, a consolidated registration statement for the parent
34 organization and its Florida chapters, branches, and affiliates.
35 A consolidated registration statement filed by a parent
36 organization must include or be accompanied by financial
37 statements as specified in s. 496.407 for the parent
38 organization and each of its Florida chapters, branches, and
39 affiliates that solicited or received contributions during the



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40 preceding fiscal year. However, if all contributions received by
41 chapters, branches, or affiliates are remitted directly into a
42 depository account that feeds directly into the parent
43 organization's centralized accounting system from which all
44 disbursements are made, the parent organization may submit one
45 consolidated financial statement on a form prescribed by the
46 department. The consolidated financial statement must comply
47 with s. 496.407 and must reflect the activities of each chapter,
48 branch, or affiliate of the parent organization, including all
49 contributions received in the name of each chapter, branch, or
50 affiliate; all payments made to each chapter, branch, or
51 affiliate; and all administrative fees assessed to each chapter,
52 branch, or affiliate. A copy of Internal Revenue Service Form
53 990 and all attached schedules filed for the preceding fiscal
54 year, or a copy of Internal Revenue Service Form 990-EZ and
55 Schedule O for the preceding fiscal year, for the parent
56 organization and each Florida chapter, branch, or affiliate ~~that~~
57 ~~is~~ required to file such forms must be attached to the
58 consolidated financial statement.

59 (4) (a) Every charitable organization, sponsor, or parent
60 organization filing on behalf of one or more chapters, branches,
61 or affiliates that is required to register under this section
62 must pay a single registration fee. A parent organization filing
63 on behalf of one or more chapters, branches, or affiliates shall
64 total all contributions received by the chapters, branches, or
65 affiliates included in the registration statement to determine
66 registration fees. Fees shall be assessed as follows:

67 1. ~~a.~~ Ten dollars, if the contributions received for the
68 last fiscal or calendar year were less than \$5,000; ~~or~~



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69 ~~b. Ten dollars, if the contributions actually raised or~~
70 ~~received from the public during the immediately preceding fiscal~~
71 ~~year by such organization or sponsor are no more than \$50,000~~
72 ~~and the fundraising activities of such organization or sponsor~~
73 ~~are carried on by volunteers, members, officers, or permanent~~
74 ~~employees, who are not compensated, primarily to solicit such~~
75 ~~contributions, provided no part of the assets or income of such~~
76 ~~organization or sponsor inures to the benefit of or is paid to~~
77 ~~any officer or member of such organization or sponsor or to any~~
78 ~~professional fundraising consultant, professional solicitor, or~~
79 ~~commercial co-venturer;~~

80 2. Seventy-five dollars, if the contributions received for
81 the last fiscal year were \$5,000 or more, but less than
82 \$100,000;

83 3. One hundred twenty-five dollars, if the contributions
84 received for the last fiscal year were \$100,000 or more, but
85 less than \$200,000;

86 4. Two hundred dollars, if the contributions received for
87 the last fiscal year were \$200,000 or more, but less than
88 \$500,000;

89 5. Three hundred dollars, if the contributions received for
90 the last fiscal year were \$500,000 or more, but less than \$1
91 million;

92 6. Three hundred fifty dollars, if the contributions
93 received for the last fiscal year were \$1 million or more, but
94 less than \$10 million;

95 7. Four hundred dollars, if the contributions received for
96 the last fiscal year were \$10 million or more.

97 Section 16. Paragraph (d) of subsection (1) and paragraph



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98 (a) of subsection (2) of section 496.406, Florida Statutes, are
99 amended to read:

100 496.406 Exemption from registration.—

101 (1) The following charitable organizations and sponsors are
102 exempt from the requirements of s. 496.405:

103 (d) A charitable organization or sponsor that has less than
104 \$50,000 in total contributions ~~revenue~~ during a fiscal year if
105 the fundraising activities of such organization or sponsor are
106 carried on by volunteers, members, or officers who are not
107 compensated and no part of the assets or income of such
108 organization or sponsor inures to the benefit of or is paid to
109 any officer or member of such organization or sponsor or to any
110 professional fundraising consultant, professional solicitor, or
111 commercial co-venturer. If a charitable organization or sponsor
112 that has less than \$50,000 in total contributions ~~revenue~~ during
113 a fiscal year actually acquires total contributions ~~revenue~~
114 equal to or in excess of \$50,000, the charitable organization or
115 sponsor must register with the department as required by s.
116 496.405 within 30 days after the date the contributions reach
117 ~~revenue reaches~~ \$50,000.

118 (2) Before soliciting contributions, a charitable
119 organization or sponsor claiming to be exempt from the
120 registration requirements of s. 496.405 under paragraph (1)(d)
121 must submit annually to the department, on forms prescribed by
122 the department:

123 (a) The name, street address, and telephone number of the
124 charitable organization or sponsor, the name under which it
125 intends to solicit contributions, the purpose for which it is
126 organized, and the purpose or purposes for which the



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127 contributions to be solicited will be used.

128 Section 17. Paragraph (a) of subsection (1) and subsection
129 (3) of section 496.407, Florida Statutes, are amended to read:

130 496.407 Financial statement.—

131 (1) A charitable organization or sponsor that is required
132 to initially register or annually renew registration must file
133 an annual financial statement for the immediately preceding
134 fiscal year on a form prescribed by the department.

135 (a) The statement must include the following:

136 1. A balance sheet.

137 2. A statement of support, revenue and expenses, and any
138 change in the fund balance.

139 3. The names and street addresses of the charitable
140 organizations or sponsors, professional fundraising consultant,
141 professional solicitors, and commercial co-venturers used, if
142 any, and the amounts received therefrom, if any.

143 4. A statement of functional expenses that must include,
144 but is not limited to, expenses in the following categories:

145 a. Program service costs.

146 b. Management and general costs.

147 c. Fundraising costs.

148 ~~(3) Upon a showing of good cause by a charitable~~
149 ~~organization or sponsor,~~ The department may extend the time for
150 the filing of a financial statement required under this section
151 ~~by up to 180 days,~~ during which time the previous registration
152 shall remain active. The registration must ~~shall~~ be
153 automatically suspended for failure to file the financial
154 statement within the extension period.

155 Section 18. Paragraph (c) of subsection (2) of section



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156 496.409, Florida Statutes, is amended to read:

157 496.409 Registration and duties of professional fundraising
158 consultant.—

159 (2) Applications for registration or renewal of
160 registration must be submitted on a form prescribed by the
161 department, signed by an authorized official of the professional
162 fundraising consultant who shall certify that the report is true
163 and correct, and must include the following information:

164 (c) The names and street ~~residence~~ addresses of all
165 principals of the applicant, including all officers, directors,
166 and owners.

167 Section 19. Paragraphs (d) and (j) of subsection (2),
168 paragraph (c) of subsection (6), paragraphs (a), (b), and (h) of
169 subsection (10), and subsection (11) of section 496.410, Florida
170 Statutes, are amended to read:

171 496.410 Registration and duties of professional
172 solicitors.—

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

178 (d) The names and street ~~residence~~ addresses of all
179 principals of the applicant, including all officers, directors,
180 and owners.

181 (j) A list of all telephone numbers the applicant will use
182 to solicit contributions as well as the actual street ~~physical~~
183 address associated with each telephone number and any fictitious
184 names associated with such address.



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185 (6) No less than 15 days before commencing any solicitation
186 campaign or event, the professional solicitor must file with the
187 department a solicitation notice on a form prescribed by the
188 department. The notice must be signed and sworn to by the
189 contracting officer of the professional solicitor and must
190 include:

191 (c) The legal name and street ~~residence~~ address of each
192 person responsible for directing and supervising the conduct of
193 the campaign.

194 (10) During each solicitation campaign, and for not less
195 than 3 years after its completion, the professional solicitor
196 shall maintain the following records:

197 (a) The date and amount of each contribution received and
198 the name, street address, and telephone number of each
199 contributor.

200 (b) The name and ~~residence~~ street address of each employee,
201 agent, and any other person, however designated, who is involved
202 in the solicitation, the amount of compensation paid to each,
203 and the dates on which the payments were made.

204 (h) If a refund of a contribution has been requested, the
205 name and street address of each person requesting the refund,
206 and, if a refund was made, its amount and the date it was made.

207 (11) If the professional solicitor sells tickets to any
208 event and represents that the tickets will be donated for use by
209 another person, the professional solicitor also must ~~shall~~
210 maintain for the same period as specified in subsection (10) the
211 following records:

212 (a) The name and street address of each contributor who
213 purchases or donates tickets and the number of tickets purchased



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214 or donated by the contributor.

215 (b) The name and street address of each organization that
216 receives the donated tickets for the use of others, and the
217 number of tickets received by the organization.

218 Section 20. Paragraph (a) of subsection (2) of section
219 496.4101, Florida Statutes, is amended to read:

220 496.4101 Licensure of professional solicitors and certain
221 employees thereof.—

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

226 (a) The true name, date of birth, unique identification
227 number of a driver license or other valid form of
228 identification, and street ~~home~~ address of the applicant.

229 Section 21. Paragraph (c) of subsection (2) of section
230 496.411, Florida Statutes, is amended, and paragraph (e) of that
231 subsection is reenacted, to read:

232 496.411 Disclosure requirements and duties of charitable
233 organizations and sponsors.—

234 (2) A charitable organization or sponsor soliciting in this
235 state must include all of the following disclosures at the point
236 of solicitation:

237 (c) Upon request, the name and either the street address or
238 telephone number of a representative to whom inquiries may be
239 addressed.

240 (e) Upon request, the source from which a written financial
241 statement may be obtained. Such financial statement must be for
242 the immediate preceding fiscal year and must be consistent with



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243 the annual financial statement filed under s. 496.407. The
244 written financial statement must be provided within 14 days
245 after the request and must state the purpose for which funds are
246 raised, the total amount of all contributions raised, the total
247 costs and expenses incurred in raising contributions, the total
248 amount of contributions dedicated to the stated purpose or
249 disbursed for the stated purpose, and whether the services of
250 another person or organization have been contracted to conduct
251 solicitation activities.

252 Section 22. Paragraph (a) of subsection (2) of section
253 496.4121, Florida Statutes, is amended to read:

254 496.4121 Collection receptacles used for donations.—

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

260 (a) For a collection receptacle used by a person required
261 to register under this chapter, the name, street ~~business~~
262 address, telephone number, and registration number of the
263 charitable organization or sponsor for whom the solicitation is
264 made.

265 Section 23. Paragraph (a) of subsection (2) and subsection
266 (6) of section 496.425, Florida Statutes, are amended to read:

267 496.425 Solicitation of funds within public transportation
268 facilities.—

269 (2) Any person desiring to solicit funds within a facility
270 shall first obtain a written permit therefor from the authority
271 responsible for the administration of the facility.



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272 (a) An application in writing for such permit must ~~shall~~ be
273 submitted to the authority and must state ~~shall set forth~~:

274 1. The full name, street ~~mailing~~ address, and telephone
275 number of the person or organization sponsoring, promoting, or
276 conducting the proposed activities;

277 2. The full name, street ~~mailing~~ address, and telephone
278 number of each person who will participate in such activities
279 and of the person who will have supervision of and
280 responsibility for the proposed activities;

281 3. A description of the proposed activities indicating the
282 type of communication to be involved;

283 4. The dates on and the hours during which the activities
284 are proposed to be carried out and the expected duration of the
285 proposed activities; and

286 5. The number of persons to be engaged in such activities.

287 (6) Each individual solicitor shall display prominently on
288 her or his person a badge or insignia, provided by the solicitor
289 and approved by the authority, bearing the signature of a
290 responsible officer of the authority and that of the solicitor
291 and describing the solicitor by name, age, height, weight, eye
292 color, hair color, street address, and principal occupation and
293 indicating the name of the organization for which funds are
294 solicited.

295 Section 24. Effective upon this act becoming a law, present
296 paragraphs (k) through (y) of subsection (1) of section 500.03,
297 Florida Statutes, are redesignated as paragraphs (l) through
298 (z), respectively, a new paragraph (k) is added to that
299 subsection, and present paragraph (m) of that subsection is
300 reenacted, to read:



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301 500.03 Definitions; construction; applicability.—
302 (1) For the purpose of this chapter, the term:
303 (k) "Cultivated meat" means any meat or food product
304 produced from cultured animal cells.
305 (n) ~~(m)~~ "Food" includes:
306 1. Articles used for food or drink for human consumption;
307 2. Chewing gum;
308 3. Articles used for components of any such article;
309 4. Articles for which health claims are made, which claims
310 are approved by the Secretary of the United States Department of
311 Health and Human Services and which claims are made in
312 accordance with s. 343(r) of the federal act, and which are not
313 considered drugs solely because their labels or labeling contain
314 health claims;
315 5. Dietary supplements as defined in 21 U.S.C. s.
316 321(ff)(1) and (2); and
317 6. Hemp extract as defined in s. 581.217.
318
319 The term includes any raw, cooked, or processed edible
320 substance; ice; any beverage; or any ingredient used, intended
321 for use, or sold for human consumption.
322 Section 25. Paragraph (f) of subsection (3) of section
323 581.217, Florida Statutes, is amended to read:
324 581.217 State hemp program.—
325 (3) DEFINITIONS.—As used in this section, the term:
326 (f) "Hemp extract" means hemp ~~a substance or compound~~
327 ~~intended for ingestion,~~ containing more than trace amounts of a
328 cannabinoid which is intended for ingestion, or for inhalation
329 but ~~which is derived from or contains hemp and which~~ does not



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330 contain controlled substances. The term does not include
331 synthetic cannabidiol or seeds or seed-derived ingredients that
332 are generally recognized as safe by the United States Food and
333 Drug Administration.

334 Section 26. Effective upon this act becoming a law, section
335 500.452, Florida Statutes, is created to read:

336 500.452 Cultivated meat; prohibition; penalties.-

337 (1) It is unlawful for any person to manufacture for sale,
338 sell,

339

340 ===== T I T L E A M E N D M E N T =====

341 And the title is amended as follows:

342 Delete lines 74 - 107

343 and insert:

344 deleting certain fees; amending s. 496.406, F.S.;
345 revising the circumstances under which charitable
346 organizations or sponsors are exempt from specified
347 provisions; revising the information that charitable
348 organizations and sponsors must provide to the
349 department when claiming certain exemptions; amending
350 s. 496.407, F.S.; revising the information charitable
351 organizations or sponsors are required to provide to
352 the department when initially registering or annually
353 renewing a registration; revising circumstances under
354 which the department may extend the time for filing a
355 required final statement; amending ss. 496.409,
356 496.410, 496.4101, 496.411, 496.4121, and 496.425,
357 F.S.; revising the information that professional
358 fundraising consultants must include in applications



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359 for registration or renewals of registration, that
360 professional solicitors must include in applications
361 for registration, renewals of registration, and
362 solicitation notices provided to the department, that
363 professional solicitors are required to maintain in
364 their records, that must be included in certain
365 solicitor license applications, that disclosures of
366 charitable organizations or sponsors soliciting in
367 this state must include, that must be displayed on
368 certain collection receptacles, and that a person
369 desiring to solicit funds within a facility must
370 provide in an application to the department and must
371 display prominently on his or her badge or insignia,
372 respectively, to include street addresses; reenacting
373 and amending s. 500.03, F.S.; defining the term
374 "cultivated meat"; amending s. 581.217, F.S.;
375 redefining the term "hemp extract"; creating s.
376 500.452, F.S.; prohibiting the manufacture for sale,
377 sale, holding or offering