

By Senator Perry

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1 A bill to be entitled
2 An act relating to charitable organizations; amending
3 s. 496.404, F.S.; defining the terms "foreign country
4 of concern" and "foreign source of concern"; amending
5 s. 496.415, F.S.; prohibiting the solicitation or
6 acceptance of contributions or anything of value from
7 a foreign source of concern; creating s. 496.431,
8 F.S.; requiring the Department of Agriculture and
9 Consumer Services to create an Honest Services
10 Registry for a specified purpose; providing
11 requirements for charitable organizations to be
12 included on the registry; requiring the department to
13 publish the registry on its website; requiring the
14 department to adopt rules; amending s. 741.0305, F.S.;
15 conforming a cross-reference; reenacting ss. 496.416
16 and 496.417, F.S., relating to violations as deceptive
17 or unfair trade practices and criminal penalties,
18 respectively, to incorporate the amendment made to s.
19 496.415, F.S., in references thereto; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Present subsections (13) through (27) of section
25 496.404, Florida Statutes, are redesignated as subsections (15)
26 through (29), respectively, and new subsections (13) and (14)
27 are added to that section, to read:

28 496.404 Definitions.—As used in ss. 496.401-496.424, the
29 term:

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30 (13) "Foreign country of concern" means the People's
31 Republic of China, the Russian Federation, the Islamic Republic
32 of Iran, the Democratic People's Republic of Korea, the Republic
33 of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian
34 Arab Republic, including any agency of or any other entity under
35 significant control of such foreign country of concern.

36 (14) "Foreign source of concern" means any of the
37 following:

38 (a) The government or any official of the government of a
39 foreign country of concern;

40 (b) A political party or member of a political party or any
41 subdivision of a political party in a foreign country of
42 concern;

43 (c) A partnership, an association, a corporation, an
44 organization, or other combination of persons organized under
45 the laws of or having its principal place of business in a
46 foreign country of concern, or a subsidiary of such entity;

47 (d) Any person who is domiciled in a foreign country of
48 concern and is not a citizen or lawful permanent resident of the
49 United States;

50 (e) An agent, including a subsidiary or an affiliate of a
51 foreign legal entity, acting on behalf of a foreign source of
52 concern; or

53 (f) An entity in which any person, entity, or collection of
54 persons or entities described in paragraphs (a)-(e) has a
55 controlling interest. As used in this paragraph, the term
56 "controlling interest" means the possession of the power to
57 direct or cause the direction of the management or policies of
58 an entity, whether through ownership of securities, by contract,

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59 or otherwise. A person or an entity that directly or indirectly
60 has the right to vote 25 percent or more of the voting interests
61 of the company or is entitled to 25 percent or more of its
62 profits is presumed to possess a controlling interest.

63 Section 2. Subsection (20) is added to section 496.415,
64 Florida Statutes, to read:

65 496.415 Prohibited acts.—It is unlawful for any person in
66 connection with the planning, conduct, or execution of any
67 solicitation or charitable or sponsor sales promotion to:

68 (20) Solicit or accept contributions or anything of value,
69 including contributions or any other assistance, from a foreign
70 source of concern.

71 Section 3. Section 496.431, Florida Statutes, is created to
72 read:

73 496.431 Honest Services Registry.—

74 (1) The department shall create an Honest Services Registry
75 to provide the residents of this state with the information
76 necessary to make an informed choice when deciding which
77 charitable organizations to support.

78 (2) To be included on the Honest Services Registry, a
79 charitable organization must, at a minimum, submit to the
80 department an attestation, verified as provided in s. 92.525, of
81 the following:

82 (a) The organization does not solicit or accept, directly
83 or indirectly, funding, support, or services from a foreign
84 source of concern.

85 (b) The organization's messaging and content are not
86 directly or indirectly produced or influenced by a foreign
87 source of concern.

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88 (3) The department shall publish the Honest Services
89 Registry on the department's website.

90 (4) The department shall adopt rules to implement this
91 section.

92 Section 4. Paragraph (a) of subsection (3) of section
93 741.0305, Florida Statutes, is amended to read:

94 741.0305 Marriage fee reduction for completion of
95 premarital preparation course.—

96 (3)(a) All individuals electing to participate in a
97 premarital preparation course shall choose from the following
98 list of qualified instructors:

99 1. A psychologist licensed under chapter 490.

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

101 3. A marriage and family therapist licensed under chapter
102 491.

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

104 5. An official representative of a religious institution
105 which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the
106 representative has relevant training.

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

112 Section 5. For the purpose of incorporating the amendment
113 made by this act to section 496.415, Florida Statutes, in a
114 reference thereto, section 496.416, Florida Statutes, is
115 reenacted to read:

116 496.416 Violation as deceptive or unfair trade practice.—

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117 Any person who commits an act or practice that violates any
118 provision of ss. 496.401-496.424 commits an unfair or deceptive
119 act or practice or unfair method of competition in violation of
120 chapter 501, part II, and is subject to the penalties and
121 remedies provided for such violation.

122 Section 6. For the purpose of incorporating the amendment
123 made by this act to section 496.415, Florida Statutes, in a
124 reference thereto, section 496.417, Florida Statutes, is
125 reenacted to read:

126 496.417 Criminal penalties.—Except as otherwise provided in
127 ss. 496.401-496.424, and in addition to any administrative or
128 civil penalties, any person who willfully and knowingly violates
129 ss. 496.401-496.424 commits a felony of the third degree,
130 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
131 For a second or subsequent conviction, such violation
132 constitutes a felony of the second degree, punishable as
133 provided in s. 775.082, s. 775.083, or s. 775.084.

134 Section 7. This act shall take effect July 1, 2024.