

1 A bill to be entitled
 2 An act relating to the Solicitation of Contributions
 3 Act; amending s. 496.404, F.S.; revising the
 4 definition of the term "solicitation"; creating s.
 5 496.4151, F.S.; defining the term "panhandling";
 6 prohibiting panhandling under certain circumstances;
 7 prohibiting a person from approaching an operator or
 8 other occupant of a motor vehicle for the purpose of
 9 panhandling; providing penalties; amending s. 496.417,
 10 F.S.; providing additional violations that constitute
 11 a felony; amending s. 496.425, F.S.; revising the
 12 definition of the term "facility"; conforming penalty
 13 provisions to changes made by the act; amending s.
 14 496.426, F.S.; requiring individuals engaged in
 15 solicitation in certain areas to identify on whose
 16 behalf and for what purpose contributions are being
 17 solicited; including additional statutory provisions
 18 in the Solicitation of Contributions Act; amending ss.
 19 496.401, 496.403, 496.409, 496.410, 496.415, 496.416,
 20 496.418, 496.419, 496.420, 496.421, 496.422, 496.423,
 21 496.424, and 617.0601, F.S.; conforming cross-
 22 references; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

26 Section 1. Section 496.404, Florida Statutes, is amended
 27 to read:

28 496.404 Definitions.—As used in ss. 496.401-496.430 ~~ss.~~
 29 ~~496.401-496.424~~, the term:

30 (1) "Charitable organization" means a person who is or
 31 holds herself or himself out to be established for any
 32 benevolent, educational, philanthropic, humane, scientific,
 33 artistic, patriotic, social welfare or advocacy, public health,
 34 environmental conservation, civic, or other eleemosynary
 35 purpose, or a person who in any manner employs a charitable
 36 appeal as the basis for any solicitation or an appeal that
 37 suggests that there is a charitable purpose to any solicitation.
 38 The term includes a chapter, branch, area office, or similar
 39 affiliate soliciting contributions within the state for a
 40 charitable organization that has its principal place of business
 41 outside the state.

42 (2) "Charitable purpose" means a benevolent,
 43 philanthropic, patriotic, educational, humane, scientific,
 44 artistic, public health, social welfare or advocacy,
 45 environmental conservation, civic, or other eleemosynary
 46 objective.

47 (3) "Charitable sales promotion" means an advertising or
 48 sales campaign conducted by a commercial co-venturer which
 49 represents that the purchase or use of goods or services offered
 50 by the commercial co-venturer benefits a charitable

51 organization. The provision of advertising services to a
52 charitable organization does not, in itself, constitute a
53 charitable sales promotion.

54 (4) "Commercial co-venturer" means a person who, for
55 profit, regularly and primarily is engaged in trade or commerce
56 other than in connection with solicitation of contributions and
57 who conducts a charitable sales promotion or a sponsor sales
58 promotion.

59 (5) "Contribution" means the promise, pledge, or grant of
60 money or property, financial assistance, or any other thing of
61 value in response to a solicitation. The term includes, in the
62 case of a charitable organization or sponsor offering goods and
63 services to the public, the difference between the direct cost
64 of the goods and services to the charitable organization or
65 sponsor and the price at which the charitable organization or
66 sponsor or a person acting on behalf of the charitable
67 organization or sponsor resells those goods or services to the
68 public. The term does not include:

69 (a) Bona fide fees, dues, or assessments paid by members
70 if membership is not conferred solely as consideration for
71 making a contribution in response to a solicitation;

72 (b) Funds obtained by a charitable organization or sponsor
73 pursuant to government grants or contracts;

74 (c) Funds obtained as an allocation from a United Way
75 organization that is duly registered with the department; or

76 (d) Funds received from an organization duly registered
77 with the department that is exempt from federal income taxation
78 under s. 501(a) of the Internal Revenue Code and described in s.
79 501(c) of the Internal Revenue Code.

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

83 (7) "Department" means the Department of Agriculture and
84 Consumer Services.

85 (8) "Disaster" means a natural, technological, or civil
86 event, including, but not limited to, an explosion, chemical
87 spill, earthquake, tsunami, landslide, volcanic activity,
88 avalanche, wildfire, tornado, hurricane, drought, or flood,
89 which affects one or more countries and causes damage of
90 sufficient severity and magnitude to result in:

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

92 (b) An official request for international assistance.

93 (9) "Division" means the Division of Consumer Services of
94 the Department of Agriculture and Consumer Services.

95 (10) "Educational institutions" means those institutions
96 and organizations described in s. 212.08(7)(cc)8.a. The term
97 includes private nonprofit organizations, the purpose of which
98 is to raise funds for schools teaching grades kindergarten
99 through grade 12, colleges, and universities, including a
100 nonprofit newspaper of free or paid circulation primarily on

101 university or college campuses which holds a current exemption
102 from federal income tax under s. 501(c)(3) of the Internal
103 Revenue Code, an educational television network or system
104 established pursuant to s. 1001.26, and a nonprofit television
105 or radio station that is a part of such network or system and
106 that holds a current exemption from federal income tax under s.
107 501(c)(3) of the Internal Revenue Code. The term also includes a
108 nonprofit educational cable consortium that holds a current
109 exemption from federal income tax under s. 501(c)(3) of the
110 Internal Revenue Code, the primary purpose of which is the
111 delivery of educational and instructional cable television
112 programming and the members of which are composed exclusively of
113 educational organizations that hold a valid consumer certificate
114 of exemption and that are either an educational institution as
115 defined in this subsection or qualified as a nonprofit
116 organization pursuant to s. 501(c)(3) of the Internal Revenue
117 Code.

118 (11) "Emergency service employee" means an employee who is
119 a firefighter, as defined in s. 633.102, or ambulance driver,
120 emergency medical technician, or paramedic, as defined in s.
121 401.23.

122 (12) "Federated fundraising organization" means a
123 federation of independent charitable organizations that have
124 voluntarily joined together, including, but not limited to, a
125 united way or community chest, for purposes of raising and

126 distributing contributions for and among themselves and where
127 membership does not confer operating authority and control of
128 the individual organization upon the federated group
129 organization.

130 (13) "Fundraising costs" means those costs incurred in
131 inducing others to make contributions to a charitable
132 organization or sponsor for which the contributors will receive
133 no direct economic benefit. Fundraising costs include, but are
134 not limited to, salaries, rent, acquiring and obtaining mailing
135 lists, printing, mailing, and all direct and indirect costs of
136 soliciting, as well as the cost of unsolicited merchandise sent
137 to encourage contributions.

138 (14) "Law enforcement officer" means a person who is
139 elected, appointed, or employed by a municipality or the state
140 or a political subdivision thereof and:

141 (a) Who is vested with authority to bear arms and make
142 arrests and whose primary responsibility is the prevention and
143 detection of crime or the enforcement of the criminal, traffic,
144 or highway laws of the state; or

145 (b) Whose responsibility includes supervision, protection,
146 care, custody, or control of inmates within a correctional
147 institution.

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

151 | which are indispensable to the conduct of such programs and
152 | activities and the charitable organization or sponsor's
153 | existence.

154 | (16) "Membership" means the relationship of a person to an
155 | organization which entitles her or him to the privileges,
156 | professional standing, honors, or other direct benefit of the
157 | organization in addition to the right to vote, elect officers,
158 | and hold office in the organization.

159 | (17) "Owner" means a person who has a direct or indirect
160 | interest in a professional fundraising consultant or
161 | professional solicitor.

162 | (18) "Parent organization" means that part of a charitable
163 | organization or sponsor which coordinates, supervises, or
164 | exercises control over policy, fundraising, and expenditures or
165 | assists or advises one or more of the organization's chapters,
166 | branches, or affiliates in this state.

167 | (19) "Person" means an individual, organization, trust,
168 | foundation, group, association, entity, partnership,
169 | corporation, or society or any combination thereof.

170 | (20) "Professional fundraising consultant" means a person
171 | who is retained by a charitable organization or sponsor for a
172 | fixed fee or rate under a written agreement to plan, manage,
173 | conduct, carry on, advise, consult, or prepare material for a
174 | solicitation of contributions in this state but who does not
175 | solicit contributions or employ, procure, or engage any

176 compensated person to solicit contributions and who does not at
177 any time have custody or control of contributions. A bona fide
178 volunteer or bona fide employee or salaried officer of a
179 charitable organization or sponsor maintaining a permanent
180 establishment in this state is not a professional fundraising
181 consultant. An attorney, investment counselor, or banker who
182 advises an individual, corporation, or association to make a
183 charitable contribution is not a professional fundraising
184 consultant as the result of such advice.

185 (21) "Professional solicitor" means a person who, for
186 compensation, performs for a charitable organization or sponsor
187 a service in connection with which contributions are or will be
188 solicited in, or from a location in, this state by the
189 compensated person or by a person it employs, procures, or
190 otherwise engages, directly or indirectly, to solicit
191 contributions, or a person who plans, conducts, manages, carries
192 on, advises, consults, directly or indirectly, in connection
193 with the solicitation of contributions for or on behalf of a
194 charitable organization or sponsor but who does not qualify as a
195 professional fundraising consultant. A bona fide volunteer or
196 bona fide employee or salaried officer of a charitable
197 organization or sponsor maintaining a permanent establishment in
198 this state is not a professional solicitor. An attorney,
199 investment counselor, or banker who advises an individual,
200 corporation, or association to make a charitable contribution is

201 not a professional solicitor as the result of such advice.

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

205 (23) "Religious institution" means a church,
206 ecclesiastical or denominational organization, or established
207 physical place for worship in this state at which nonprofit
208 religious services and activities are regularly conducted and
209 carried on and includes those bona fide religious groups that do
210 not maintain specific places of worship. The term also includes
211 a separate group or corporation that forms an integral part of a
212 religious institution that is exempt from federal income tax
213 under s. 501(c)(3) of the Internal Revenue Code and that is not
214 primarily supported by funds solicited outside its own
215 membership or congregation.

216 (24) "Solicitation" means a request, directly or
217 indirectly, for money, property, financial assistance, or any
218 other thing of value on the plea or representation that such
219 money, property, financial assistance, or other thing of value
220 or a portion of it will be used for a charitable or sponsor
221 purpose or will benefit a charitable organization or sponsor.
222 The term includes, but is not limited to, the following methods
223 of requesting or securing the promise, pledge, or grant of
224 money, property, financial assistance, or any other thing of
225 value:

226 (a) Making any oral or written request;

227 (b) Making any announcement to the press, on radio or

228 television, by telephone or telegraph, or by any other

229 communication device concerning an appeal or campaign by or for

230 any charitable organization or sponsor or for any charitable or

231 sponsor purpose;

232 (c) Distributing, circulating, posting, or publishing any

233 handbill, written advertisement, or other publication that

234 directly or by implication seeks to obtain any contribution; ~~or~~

235 (d) Selling or offering or attempting to sell any

236 advertisement, advertising space, book, card, coupon, chance,

237 device, magazine, membership, merchandise, subscription,

238 sponsorship, flower, admission, ticket, food, or other service

239 or tangible good, item, or thing of value, or any right of any

240 description in connection with which any appeal is made for any

241 charitable organization or sponsor or charitable or sponsor

242 purpose, or when the name of any charitable organization or

243 sponsor is used or referred to in any such appeal as an

244 inducement or reason for making the sale or when, in connection

245 with the sale or offer or attempt to sell, any statement is made

246 that all or part of the proceeds from the sale will be used for

247 any charitable or sponsor purpose or will benefit any charitable

248 organization or sponsor; or

249 (e) Approaching or making contact with any other

250 individual on a road or right-of-way and directly or by

251 implication seeking to obtain any contribution.

252

253 A solicitation is considered as having taken place regardless of
254 whether the person making the solicitation receives any
255 contribution. A solicitation does not occur when a person
256 applies for a grant or an award to the government or to an
257 organization that is exempt from federal income taxation under
258 s. 501(a) of the Internal Revenue Code and described in s.
259 501(c) of the Internal Revenue Code and is duly registered with
260 the department.

261 (25) "Sponsor" means a group or person who is or holds
262 herself or himself out to be soliciting contributions by the use
263 of a name that implies that the group or person is in any way
264 affiliated with or organized for the benefit of emergency
265 service employees or law enforcement officers and the group or
266 person is not a charitable organization. The term includes a
267 chapter, branch, or affiliate that has its principal place of
268 business outside the state if such chapter, branch, or affiliate
269 solicits or holds itself out to be soliciting contributions in
270 this state.

271 (26) "Sponsor purpose" means a program or endeavor
272 performed to benefit emergency service employees or law
273 enforcement officers.

274 (27) "Sponsor sales promotion" means an advertising or
275 sales campaign conducted by a commercial co-venturer who

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276 represents that the purchase or use of goods or services offered
277 by the commercial co-venturer will be used for a sponsor purpose
278 or donated to a sponsor. The provision of advertising services
279 to a sponsor does not, in itself, constitute a sponsor sales
280 promotion.

281 Section 2. Section 496.4151, Florida Statutes, is created
282 to read:

283 496.4151 Panhandling prohibited.—

284 (1) As used in this section, the term "panhandling" means
285 requesting of another person that he or she give money or
286 anything of value for the private use of the person making the
287 request.

288 (2) A person may not engage in panhandling:

289 (a) Within 50 feet, in any direction, of:

290 1. An entrance to or exit from commercially zoned
291 property.

292 2. A bus stop or a facility as defined in s. 496.425(1).

293 3. An automatic teller machine or an entrance to a bank.

294 4. A parking lot, parking garage, parking meter, or
295 parking pay station.

296 5. A public restroom.

297 (b) Within 100 feet, in any direction, of a child care
298 facility or school attended by any students in prekindergarten
299 through grade 12.

300 (c) On a right-of-way or road as defined in s. 334.03.

301 (d) At a public transit stop or in a public transit
 302 vehicle.

303 (e) While the person being solicited is waiting to be
 304 admitted to a commercial establishment.

305 (f) By touching the person being solicited.

306 (g) With the use of profane or abusive language.

307 (h) While under the influence of alcohol or after having
 308 illegally used a controlled substance as defined in s. 892.02.

309 (i) Between the hours of 4 p.m. and 9 a.m.

310 (3) A person may not approach an operator or other
 311 occupant of a motor vehicle for the purpose of panhandling.

312 (4) A first violation of subsection (2) or subsection (3)
 313 is punishable by imprisonment for 30 days and a fine of not more
 314 than \$100. A second or subsequent violation is punishable by
 315 imprisonment for 60 days and a fine of not more than \$200.

316 Section 3. Section 496.417, Florida Statutes, is amended
 317 to read:

318 496.417 Criminal penalties.—Except as otherwise provided
 319 in ss. 496.401-496.430 ~~ss. 496.401-496.424~~, and in addition to
 320 any administrative or civil penalties, a ~~any~~ person who
 321 willfully and knowingly violates ss. 496.401-496.430 ~~ss.~~
 322 ~~496.401-496.424~~ commits a felony of the third degree, punishable
 323 as provided in s. 775.082, s. 775.083, or s. 775.084. For a
 324 second or subsequent conviction, such violation constitutes a
 325 felony of the second degree, punishable as provided in s.

326 775.082, s. 775.083, or s. 775.084.

327 Section 4. Paragraph (b) of subsection (1) and subsection
328 (11) of section 496.425, Florida Statutes, are amended to read:

329 496.425 Solicitation of funds within public transportation
330 facilities.—

331 (1) As used in this section:

332 (b) "Facility" means any public transportation facility or
333 right-of-way, including, but not limited to, railroad stations,
334 bus stations, ship ports, ferry terminals, roadside welcome
335 stations, highway service plazas, airports served by scheduled
336 passenger service, ~~or~~ highway rest stations, or rights-of-way or
337 roads as defined in s. 334.03.

338 ~~(11) A person who solicits funds in violation of any of~~
339 ~~the provisions of this section is guilty of a misdemeanor of the~~
340 ~~second degree, punishable by fine as provided in s. 775.083.~~
341 ~~Upon a second or subsequent conviction, such person is guilty of~~
342 ~~a misdemeanor of the first degree, punishable by fine as~~
343 ~~provided in s. 775.083.~~

344 Section 5. Subsection (4) of section 496.426, Florida
345 Statutes, is renumbered as subsection (5) and amended, and a new
346 subsection (4) is added to that section, to read:

347 496.426 Registration and solicitation requirements.—

348 (4) Individuals engaged in solicitation on a road, right-
349 of-way, or facility as defined in s. 496.425(1) must:

350 (a) Clearly identify the name of the charitable

351 organization or named individual on whose behalf contributions
 352 are being solicited.

353 (b) Clearly identify the charitable purpose for which
 354 contributions are being solicited.

355 (5)-(4) If any provision of this section or the application
 356 thereof to any person or circumstance is held invalid, the
 357 invalidity does not affect other provisions or application of
 358 this section or the Solicitation of Contributions Act, ss.
 359 496.401-496.430 ~~ss. 496.401-496.424~~, which can be given effect
 360 without the invalid provision or application, and to this end
 361 the provisions of this section are declared severable.

362 Section 6. Section 496.401, Florida Statutes, is amended
 363 to read:

364 496.401 Short title.—Sections 496.401-496.430 ~~496.401-~~
 365 ~~496.424~~ may be cited as the "Solicitation of Contributions Act."

366 Section 7. Section 496.403, Florida Statutes, is amended
 367 to read:

368 496.403 Application.—Sections 496.401-496.430 ~~496.401-~~
 369 ~~496.424~~ do not apply to bona fide religious institutions,
 370 educational institutions, and state agencies or other government
 371 entities or persons or organizations who solicit or act as
 372 professional fundraising consultants solely on behalf of those
 373 entities, or to blood establishments as defined in s.
 374 381.06014(1)(a). Sections 496.401-496.430 ~~496.401-496.424~~ do not
 375 apply to political contributions solicited in accordance with

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376 the election laws of this state.

377 Section 8. Subsection (1) of section 496.409, Florida
378 Statutes, is amended to read:

379 496.409 Registration and duties of professional
380 fundraising consultant.—

381 (1) A person may not act as a professional fundraising
382 consultant unless he or she has first complied with the
383 requirements of ss. 496.401-496.430 ~~ss. 496.401-496.424~~ and has
384 obtained approval of the department of a registration statement
385 in accordance with subsection (6). A person may not act as a
386 professional fundraising consultant after the expiration,
387 suspension, or cancellation of his or her registration.

388 Section 9. Subsections (1), (4), and (13) of section
389 496.410, Florida Statutes, are amended to read:

390 496.410 Registration and duties of professional
391 solicitors.—

392 (1) ~~A No~~ person may not act as a professional solicitor
393 unless the person has first complied with ss. 496.401-496.430
394 ~~the requirements of ss. 496.401-496.424~~ and has obtained
395 approval of the department of a registration statement in
396 accordance with subsection (5). A person may not act as a
397 professional solicitor after the expiration, suspension, or
398 cancellation of his or her registration.

399 (4) A professional solicitor must, at the time of
400 application or renewal of registration, file with and have

401 approved by the department a bond, to which the professional
 402 solicitor is the principal obligor in the sum of \$50,000, with
 403 one or more sureties authorized to do business in this state.
 404 The professional solicitor must maintain the bond in effect as
 405 long as the registration is in effect; however, the liability of
 406 the surety under the bond must not exceed an all-time aggregate
 407 liability of \$50,000. The bond, which may be in the form of a
 408 rider to a larger blanket liability bond, must be payable to the
 409 state and to any person who may have a cause of action against
 410 the principal obligor of the bond for any liability arising out
 411 of a violation by the obligor of any provision of ss. 496.401-
 412 496.430 ~~ss. 496.401-496.424~~, or any rule adopted pursuant
 413 thereto.

414 (13) Unless otherwise provided in ss. 496.401-496.430 ~~ss.~~
 415 ~~496.401-496.424~~, any material change in any information filed
 416 with the department pursuant to this section must be reported in
 417 writing to the department within 7 days after the change occurs.

418 Section 10. Subsections (1) and (8) of section 496.415,
 419 Florida Statutes, are amended to read:

420 496.415 Prohibited acts.—It is unlawful for any person in
 421 connection with the planning, conduct, or execution of any
 422 solicitation or charitable or sponsor sales promotion to:

423 (1) Operate in violation of, or fail to comply with, ss.
 424 496.401-496.430 ~~the requirements of ss. 496.401-496.424.~~

425 (8) Represent that a charitable organization or sponsor

426 will receive a fixed or estimated percentage of the gross
 427 revenue from a solicitation campaign greater than that
 428 identified in filings with the department pursuant to ss.
 429 496.401-496.430 ~~ss. 496.401-496.424~~, or that a charitable
 430 organization or sponsor will receive an actual or estimated
 431 dollar amount or percentage per unit of goods or services
 432 purchased or used in the charitable or sponsor sales promotion
 433 that is greater than that agreed to by the commercial co-
 434 venturer and the charitable organization or sponsor.

435 Section 11. Section 496.416, Florida Statutes, is amended
 436 to read:

437 496.416 Violation as deceptive or unfair trade practice.—A
 438 ~~Any~~ person who commits an act or practice that violates any
 439 provision of ss. 496.401-496.430 ~~ss. 496.401-496.424~~ commits an
 440 unfair or deceptive act or practice or unfair method of
 441 competition in violation of chapter 501, part II, and is subject
 442 to the penalties and remedies provided for such violation.

443 Section 12. Subsection (2) of section 496.418, Florida
 444 Statutes, is amended to read:

445 496.418 Recordkeeping and accounting.—

446 (2) Each charitable organization, sponsor, professional
 447 fundraising consultant, and professional solicitor must keep for
 448 ~~a period of~~ at least 3 years true and accurate records as to its
 449 activities in this state which are covered by ss. 496.401-
 450 496.430 ~~ss. 496.401-496.424~~. The records must be made available,

451 without subpoena, to the department for inspection and must be
 452 furnished no later than 10 working days after requested.

453 Section 13. Subsections (1) and (4), paragraph (f) of
 454 subsection (5), and subsection (8) of section 496.419, Florida
 455 Statutes, are amended to read:

456 496.419 Powers of the department.—

457 (1) The department may conduct an investigation of any
 458 person or organization whenever there is an appearance, either
 459 upon complaint or otherwise, that a violation of ss. 496.401-
 460 496.430 ~~ss. 496.401-496.424~~ or ~~s. 496.426~~ or of any rule adopted
 461 or of any order issued pursuant thereto has been committed or is
 462 about to be committed.

463 (4) The department may enter an order imposing one or more
 464 of the penalties set forth in subsection (5) if the department
 465 finds that a charitable organization, sponsor, professional
 466 fundraising consultant, or professional solicitor, or an agent,
 467 servant, or employee thereof has:

468 (a) Violated or is operating in violation of any of the
 469 provisions of ss. 496.401-496.430 ~~ss. 496.401-496.424~~ or ~~s.~~
 470 ~~496.426~~ or of the rules adopted or orders issued thereunder;

471 (b) Made a material false statement in an application,
 472 statement, or report required to be filed under ss. 496.401-
 473 496.430 ~~ss. 496.401-496.424~~ or ~~s. 496.426~~;

474 (c) Refused or failed, or any of its principal officers
 475 has refused or failed, after notice, to produce any records of

476 such organization or to disclose any information required to be
 477 disclosed under ss. 496.401-496.430 ~~ss. 496.401-496.424 or s.~~
 478 ~~496.426~~ or the rules of the department; or

479 (d) Made a material false statement in response to any
 480 request or investigation by the department, the Department of
 481 Legal Affairs, or the State Attorney.

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

485 (f) Except as provided in paragraph (g), imposing an
 486 administrative fine not to exceed \$5,000 for each act or
 487 omission that constitutes a violation of ss. 496.401-496.430 ~~ss.~~
 488 ~~496.401-496.424 or s. 496.426~~ or a rule or order. With respect
 489 to a s. 501(c)(3) organization, the penalty imposed pursuant to
 490 this subsection may not exceed \$500 per violation for failure to
 491 register under s. 496.405 or file for an exemption under s.
 492 496.406(2). The penalty shall be the entire amount per violation
 493 and is not a daily penalty; and

494 (8) The department shall report any substantiated criminal
 495 violation of ss. 496.401-496.430 ~~ss. 496.401-496.424 or s.~~
 496 ~~496.426~~ to the proper prosecuting authority for prompt
 497 prosecution.

498 Section 14. Subsections (1) and (3) of section 496.420,
 499 Florida Statutes, are amended to read:

500 496.420 Civil remedies and enforcement.—

501 (1) In addition to other remedies authorized by law, the
502 department may bring a civil action in circuit court to enforce
503 ss. 496.401-496.430 ~~ss. 496.401-496.424 or s. 496.426~~. Upon a
504 finding that a person has violated any of these sections, a
505 court may make any necessary order or enter a judgment
506 including, but not limited to, a temporary or permanent
507 injunction, a declaratory judgment, the appointment of a general
508 or special magistrate or receiver, the sequestration of assets,
509 the reimbursement of persons from whom contributions have been
510 unlawfully solicited, the distribution of contributions pursuant
511 to the charitable or sponsor purpose expressed in the
512 registration statement or pursuant to the representations made
513 to the person solicited, the reimbursement of the department for
514 investigative costs and attorney fees and costs, and any other
515 equitable relief the court finds appropriate. Upon a finding
516 that a person has violated any provision of ss. 496.401-496.430
517 ~~ss. 496.401-496.424 or s. 496.426~~ with actual knowledge or
518 knowledge fairly implied on the basis of objective
519 circumstances, a court may enter an order imposing a civil fine
520 in the Class III category pursuant to s. 570.971 for each
521 violation.

522 (3) The department may terminate an investigation or an
523 action upon acceptance of a person's written assurance of
524 voluntary compliance with ss. 496.401-496.430 ~~ss. 496.401-~~
525 ~~496.424 or s. 496.426~~. Acceptance of an assurance may be

526 | conditioned on commitment to reimburse donors or to take other
 527 | appropriate corrective action. An assurance is not evidence of a
 528 | prior violation of any of these sections. However, unless an
 529 | assurance has been rescinded by agreement of the parties or
 530 | voided by a court for good cause, subsequent failure to comply
 531 | with the terms of an assurance is prima facie evidence of a
 532 | violation of one or more of these sections.

533 | Section 15. Section 496.421, Florida Statutes, is amended
 534 | to read:

535 | 496.421 More stringent local provisions not preempted by
 536 | ss. 496.401-496.430 ~~ss. 496.401-496.424.~~ Sections 496.401-
 537 | 496.430 ~~496.401-496.424~~ do not preempt more stringent county or
 538 | municipal provisions or restrict local units of government from
 539 | adopting more stringent provisions, and, in such case, such
 540 | provisions must be complied with if the registrant desires to
 541 | solicit within the geographic district of such local unit of
 542 | government.

543 | Section 16. Section 496.422, Florida Statutes, is amended
 544 | to read:

545 | 496.422 Duties of the Department of State.—The Department
 546 | of State shall include in the materials it sends to persons or
 547 | organizations seeking to register as nonprofit corporations,
 548 | pursuant to chapter 617, and include with the annual report
 549 | notice to be filed with the Department of State each year, a
 550 | notice of the registration and disclosure requirements of ss.

551 | 496.401-496.430 ~~ss. 496.401-496.424~~.

552 | Section 17. Subsections (1) and (4) of section 496.423,
553 | Florida Statutes, are amended to read:

554 | 496.423 Public information; annual report.—

555 | (1) The department shall develop a public information
556 | program, which should include a plan to distribute information
557 | to the public, to further the purposes of ss. 496.401-496.430
558 | ~~ss. 496.401-496.424~~.

559 | (4) The department shall prepare an annual public report
560 | to be submitted to the Governor, the President of the Senate,
561 | the Speaker of the House of Representatives, the Commissioner of
562 | Agriculture, and the Attorney General summarizing such
563 | information filed under ss. 496.401-496.430 ~~ss. 496.401-496.424~~
564 | which the department determines will assist the public in making
565 | informed and knowledgeable decisions concerning contributions.
566 | The report must include the following:

567 | (a) A list of complaints filed for which violations were
568 | found to have occurred in each of the following categories:
569 | charitable organizations, sponsors, professional solicitors, and
570 | professional fundraising consultants.

571 | (b) A list of the number of investigations by the
572 | department, and enforcement actions commenced under ss. 496.401-
573 | 496.430 ~~ss. 496.401-496.424~~ and the disposition of those
574 | actions.

575 | (c) A list of those charitable organizations and sponsors

576 | which have voluntarily submitted an audited financial statement
 577 | pursuant to s. 496.407 or an audit with an opinion prepared by
 578 | an independent certified public accountant.

579 | Section 18. Section 496.424, Florida Statutes, is amended
 580 | to read:

581 | 496.424 Rulemaking authority.—The department has the
 582 | authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 583 | to implement ss. 496.401-496.430 ~~the provisions of ss. 496.401-~~
 584 | ~~496.424 or s. 496.426.~~

585 | Section 19. Paragraph (b) of subsection (1) of section
 586 | 617.0601, Florida Statutes, is amended to read:

587 | 617.0601 Members, generally.—

588 | (1)

589 | (b) The articles of incorporation or bylaws of any
 590 | corporation not for profit that maintains chapters or affiliates
 591 | may grant representatives of such chapters or affiliates the
 592 | right to vote in conjunction with the board of directors of the
 593 | corporation notwithstanding applicable quorum or voting
 594 | requirements of this chapter if the corporation is registered
 595 | with the Department of Agriculture and Consumer Services
 596 | pursuant to ss. 496.401-496.430 ~~ss. 496.401-496.424~~, the
 597 | Solicitation of Contributions Act.

598 | Section 20. This act shall take effect July 1, 2024.