

Bill No. SB 2676

Barcode 382338

CHAMBER ACTION

Senate

House

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The Committee on Governmental Operations (Lawson) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 110.182, Florida Statutes, is
created to read:

110.182 Florida Public Employees' Charitable
Campaign.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Federation" means a group of not-for-profit
charitable organizations that have voluntarily joined together
for purposes of raising and distributing contributions for and
among themselves.

(b) "Member agency" means a not-for-profit charitable
organization belonging to a federation.

(c) "Public employee" means an employee of a local
governmental agency or any of its departments, bureaus,
committees, or officers.

Bill No. SB 2676

Barcode 382338

1 (d) "Public employer" means a local governmental
2 agency or any of its departments, bureaus, committees, or
3 officers.

4 (2) CREATION AND ORGANIZATION OF PUBLIC EMPLOYEES'
5 CHARITABLE CAMPAIGN.--

6 (a) Any public employer that conducts or wishes to
7 conduct charitable workplace-giving campaigns shall include
8 charitable organizations that meet the eligibility
9 requirements for participation in each local campaign. This
10 annual Florida Public Employees' Charitable Campaign is the
11 only authorized charitable fundraising drive directed toward
12 public employees within work areas during work hours and for
13 which the public employer will provide payroll deduction. This
14 campaign may be held any time during the year in conjunction
15 with or separately from any current charitable
16 workplace-giving campaign.

17 (b) Any public employer that conducts or wishes to
18 conduct charitable workplace-giving campaigns, in coordination
19 with the payroll department of such employer, may make
20 deductions from the salary or wage of any public employee in
21 an amount authorized by that employee and for any purpose
22 authorized by that employee. The employer shall pay such sums
23 deducted as directed by such employee.

24 (c) Public employee contributions toward the Florida
25 Public Employees' Charitable Campaign must be entirely
26 voluntary.

27 (d) An applicable public employer shall authorize
28 deductions from the salaries or wages of its public employees
29 in an amount specified by each employee for payment to an
30 eligible charitable organization. The request for the
31 deduction may be withdrawn by the employee at any time by

Bill No. SB 2676

Barcode 382338

1 filing a written notification of withdrawal with the
 2 applicable treasurer or responsible official in charge of the
 3 payroll system. If the employer authorizes deductions from the
 4 salaries or wages of its employees for payment to any eligible
 5 charitable organization, the employer shall ensure that an
 6 employee may authorize a deduction to any eligible charitable
 7 organization.

8 (e) Participation in the annual Florida Public
 9 Employees' Charitable Campaign must be limited to any
 10 nonprofit charitable federation or member agency that has as
 11 its principal mission:

- 12 1. Public health and welfare;
- 13 2. Education;
- 14 3. Environmental restoration and conservation;
- 15 4. Civil and human rights; or
- 16 5. Relief of human suffering and poverty.

17 (f) To qualify as a nonprofit charitable federation or
 18 member agency:

- 19 1. A federation or member agency must have had an
 20 office open at least 20 hours per week employing full-time or
 21 part-time employees in this state for the last 3 years.
- 22 2. A federation must represent at least 10 health and
 23 human services, social welfare, or environmental agencies that
 24 also have an office open at least 20 hours per week employing
 25 full-time or part-time employees.
- 26 3. A member agency must document available services in
 27 the local service area in which the campaign takes place in
 28 order to participate in any local public employer campaign.
- 29 4. A federation or member agency must be governed by
 30 an active, voluntary board that exercises administrative
 31 control.

Bill No. SB 2676

Barcode 382338

1 (g) Any nonprofit charitable federation or member
 2 agency participating in the Florida Public Employees'
 3 Charitable Campaign must have its financial records audited
 4 annually by an independent public accountant whose examination
 5 conforms to generally accepted accounting principles.

6 (h) A local unaffiliated eligible charitable
 7 organization may apply to a participating federation for
 8 inclusion in the local public employer campaign if the
 9 charitable organization meets the eligibility requirements of
 10 the participating federation, ensuring that all local eligible
 11 charitable organizations can participate.

12 (i) An independent charitable organization is exempt
 13 from the requirement of membership in a federation or member
 14 agency in paragraph (e) if the organization currently
 15 participates in an established public employer campaign and is
 16 in compliance with paragraphs (f) and (j).

17 (j) Federations and member agencies that are
 18 ineligible to participate in the Florida Public Employees'
 19 Charitable Campaign include, but are not limited to:

20 1. A federation or member agency whose fundraising and
 21 administrative expenses exceed 25 percent, unless
 22 extraordinary circumstances can be demonstrated.

23 2. A federation or member agency whose activities
 24 contain an element that is more than incidentally political in
 25 nature or whose activities are primarily political, religious,
 26 professional, or fraternal in nature.

27 3. A federation or member agency that discriminates
 28 against any individual or group on account of race, color,
 29 religion, gender, national origin, age, handicap, or political
 30 affiliation.

31 4. A federation or member agency that is not properly

Barcode 382338

1 registered as a charitable organization as required by ss.
2 496.401-496.424.

3 5. A federation or member agency that has not received
4 tax-exempt status under s. 501(c)(3) of the Internal Revenue
5 Code.

6 (3) SELECTION OF FISCAL AGENTS; COST.--

7 (a) A public employer that conducts or wishes to
8 conduct charitable workplace giving campaigns is not required
9 to select a fiscal agent to act on its behalf for campaign
10 fund distribution, but may select through the
11 competitive-procurement process fiscal agents to receive,
12 account for, and distribute charitable contributions among
13 participating charitable organizations.

14 (b) A fiscal agent shall withhold the reasonable costs
15 of conducting the campaign and of accounting and distribution
16 to the participating organizations, not to exceed 12 percent
17 of gross campaign pledges, and shall reimburse the public
18 employer the actual cost, not to exceed 1 percent of gross
19 pledges, for coordinating the campaign in accordance with the
20 rules of the public employer.

21 (c) The fiscal agent shall furnish the public employer
22 and participating charitable federations and member agencies a
23 report of the accounting and distribution activities. Records
24 relating to these activities shall be open for inspection.

25 (d) A local committee shall be established by each
26 public employer to assist in conducting the campaign.

27 (e) Participating charitable federations and member
28 agencies shall receive the same percentage of undesignated
29 funds raised in any campaign as the percentage of designated
30 funds they receive.

31 (f) All charitable organizations shall be represented

Bill No. SB 2676

Barcode 382338

1 equally and fairly in each Florida Public Employees'

2 Charitable Campaign.

3 Section 2. This act shall take effect July 1, 2007.

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled

12 An act relating to public employee charitable
13 campaigns; creating s. 110.182, F.S.; providing
14 definitions; creating the Florida Public
15 Employees' Charitable Campaign; providing for
16 organization of the campaign; authorizing
17 salary or wage deductions for purposes of the
18 campaign; providing that campaign contributions
19 must be voluntary; providing criteria for the
20 application and for withdrawal from the
21 campaign; providing that participation must be
22 limited to certain nonprofit charitable
23 federations and member agencies; providing an
24 exception; excluding certain organizations from
25 participation; providing for selection of
26 fiscal agents; providing an effective date.

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