

By Senators Lawson and Wise

6-1406-07

See HB

1                                   A bill to be entitled  
2                   An act relating to public employee charitable  
3                   campaigns; amending s. 110.181, F.S.; deleting  
4                   a provision limiting charitable fundraising  
5                   directed toward state employees within work  
6                   areas during work hours, and for which the  
7                   state will provide payroll deduction, to the  
8                   Florida State Employees' Charitable Campaign;  
9                   creating s. 110.182, F.S.; creating the Florida  
10                  Public Employees' Charitable Campaign;  
11                  providing organization of campaign; authorizing  
12                  salary or wage deductions for purposes of the  
13                  campaign; providing that campaign contributions  
14                  must be voluntary; providing criteria for the  
15                  application and withdrawal from the campaign;  
16                  providing that participation must be limited to  
17                  certain nonprofit charitable federations and  
18                  member agencies; excluding certain  
19                  organizations from participation; providing for  
20                  selection of fiscal agent; providing  
21                  definitions; providing an effective date.

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

24  
25                  Section 1. Paragraph (a) of subsection (1) of section  
26 110.181, Florida Statutes, is amended to read:

27                  110.181 Florida State Employees' Charitable  
28 Campaign.--

29                  (1) CREATION AND ORGANIZATION OF CAMPAIGN.--

30                  (a) The Department of Management Services shall  
31 establish and maintain, in coordination with the payroll

1 system of the Department of Financial Services, an annual  
2 Florida State Employees' Charitable Campaign. ~~Except as~~  
3 ~~provided in subsection (5), this annual fundraising drive is~~  
4 ~~the only authorized charitable fundraising drive directed~~  
5 ~~toward state employees within work areas during work hours,~~  
6 ~~and for which the state will provide payroll deduction.~~

7 Section 2. Section 110.182, Florida Statutes, is  
8 created to read:

9 110.182 Florida Public Employees' Charitable  
10 Campaign.--

11 (1) CREATION AND ORGANIZATION OF PUBLIC EMPLOYEES'  
12 CHARITABLE CAMPAIGN.--

13 (a) The state or any of its departments, bureaus,  
14 commissions, and officers are authorized and permitted, in  
15 coordination with the payroll system of the Department of  
16 Financial Services, to establish and maintain an annual  
17 Florida Public Employees' Charitable Campaign.

18 (b) The state or any of its departments, bureaus,  
19 commissions, and officers are authorized and permitted, with  
20 the concurrence of the Department of Financial Services, to  
21 make deductions from the salary or wage of any employee in  
22 such amount as shall be authorized and requested by such  
23 employee and for such purpose as shall be authorized and  
24 requested by such employee and shall pay such sums so deducted  
25 as directed by such employee.

26 (c) Public employer officers' and employees'  
27 contributions toward the Florida Public Employees' Charitable  
28 Campaign must be entirely voluntary.

29 (d) An applicable public employer shall authorize  
30 deductions from the salaries or wages of its employees of an  
31 amount specified by each employee for payment to an eligible

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

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

- 14 1. Public health and welfare;
- 15 2. Education;
- 16 3. Environmental restoration and conservation;
- 17 4. Civil and human rights; or
- 18 5. The relief of human suffering and poverty.

19 (f) To qualify as a nonprofit charitable federation or  
20 member agency, the federation or member agency must:

- 21 1. Have had an office open at least 20 hours per week  
22 employing full-time or part-time employees in this state for  
23 the last 5 years.
- 24 2. Represent at least 10 health and human services,  
25 social welfare, or environmental agencies that also have an  
26 office open at least 20 hours per week employing full-time or  
27 part-time employees in this state.
- 28 3. Be governed by an active, voluntary board that  
29 exercises administrative control.

30 (g) Any nonprofit charitable federation and member  
31 agency participating in the Florida Public Employees'

1 Charitable Campaign must have its financial records audited  
2 annually by an independent public accountant whose examination  
3 conforms to generally accepted accounting principles.

4 (h) Federations and member agencies ineligible to  
5 participate in the Florida Public Employees' Charitable  
6 Campaign include, but are not limited to, the following:

7 1. Federations and member agencies whose fundraising  
8 and administrative expenses exceed 25 percent, unless  
9 extraordinary circumstances can be demonstrated.

10 2. Federations and member agencies whose activities  
11 contain an element that is more than incidentally political in  
12 nature or whose activities are primarily political, religious,  
13 professional, or fraternal in nature.

14 3. Federations and member agencies that discriminate  
15 against any individual or group on account of race, color,  
16 religion, sex, national origin, age, handicap, or political  
17 affiliation.

18 4. Federations and member agencies not properly  
19 registered as charitable organizations as required by the  
20 Solicitation of Contributions Act, ss. 496.401-496.424.

21 5. Federations and member agencies that have not  
22 received tax-exempt status under s. 501(c)(3), Internal  
23 Revenue Code.

24 (2) SELECTION OF FISCAL AGENTS; COST.--

25 (a) The state or any of its departments, bureaus,  
26 commissions, and officers are not required to select a fiscal  
27 agent to act on their behalf for campaign fund distribution  
28 but may select through the competitive procurement process a  
29 fiscal agent or agents to receive, account for, and distribute  
30 charitable contributions among participating charitable  
31 organizations.

1           (b) The fiscal agent shall withhold the reasonable  
2 costs for conducting the campaign and for accounting and  
3 distribution to the participating federations and member  
4 agencies not to exceed 12 percent of gross campaign receipts  
5 for all participating charitable federations and member  
6 agencies.

7           (c) The fiscal agent shall furnish the department and  
8 participating charitable federations and member agencies a  
9 report of the accounting and distribution activities. Records  
10 relating to these activities shall be open for inspection upon  
11 reasonable notice and request.

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

14           (e) Participating charitable federations and member  
15 agencies shall receive the same percentage of undesignated  
16 funds raised in any public employee campaign as the percentage  
17 of designated funds they receive.

18           (3) DEFINITIONS.--As used in this section the term:

19           (a) "Federation" means a federation of not-for-profit  
20 charitable organizations which have voluntarily joined  
21 together for purposes of raising and distributing  
22 contributions for and among themselves.

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

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