

1 A bill to be entitled
 2 An act relating to public employee charitable campaigns;
 3 creating s. 110.182, F.S.; providing definitions; creating
 4 the Florida Public Employees' Charitable Campaign;
 5 providing organization of campaign; authorizing salary or
 6 wage deductions for purposes of the campaign; providing
 7 that campaign contributions must be voluntary; providing
 8 criteria for the application and withdrawal from the
 9 campaign; providing that participation must be limited to
 10 certain nonprofit charitable federations and member
 11 agencies; providing an exception; excluding certain
 12 organizations from participation; providing for selection
 13 of fiscal agent; providing an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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

19 110.182 Florida Public Employees' Charitable Campaign.--

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

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

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

27 (c) "Public employee" means an employee of a local
 28 governmental agency or any of its departments, bureaus,

29 committees, or officers.

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

32 (2) CREATION AND ORGANIZATION OF PUBLIC EMPLOYEES'
 33 CHARITABLE CAMPAIGN.--

34 (a) Any public employer that conducts or wishes to conduct
 35 charitable workplace giving campaigns shall include charitable
 36 organizations that meet the eligibility requirements for
 37 participation in each local campaign. This annual Florida Public
 38 Employees' Charitable Campaign is the only authorized charitable
 39 fundraising drive directed toward public employees within work
 40 areas during work hours and for which the public employer will
 41 provide payroll deduction. This campaign may be held any time
 42 during the year either in conjunction with or separately from
 43 any current charitable workplace giving campaign.

44 (b) Any public employer that conducts or wishes to conduct
 45 charitable workplace giving campaigns, in coordination with the
 46 payroll department of such employer, is authorized and permitted
 47 to make deductions from the salary or wage of any public
 48 employee in such amount as shall be authorized and requested by
 49 that employee and for such purpose as shall be authorized and
 50 requested by the public employee and shall pay such sums so
 51 deducted as directed by such employee.

52 (c) Public employee contributions toward the Florida
 53 Public Employees' Charitable Campaign must be entirely
 54 voluntary.

55 (d) An applicable public employer shall authorize
 56 deductions from the salaries or wages of its public employees of

57 an amount specified by each employee for payment to an eligible
58 charitable organization. The request for the deduction may be
59 withdrawn by the public employee at any time by filing a written
60 notification of withdrawal with the applicable treasurer or
61 responsible official in charge of the payroll system. If such
62 employer authorizes deductions from the salaries or wages of its
63 employees for payment to any eligible charitable organization,
64 such employer shall ensure that an employee shall be permitted
65 to authorize a deduction to any eligible charitable
66 organization.

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

- 70 1. Public health and welfare;
- 71 2. Education;
- 72 3. Environmental restoration and conservation;
- 73 4. Civil and human rights; or
- 74 5. Relief of human suffering and poverty.

75 (f) To qualify as a nonprofit charitable federation or
76 member agency:

77 1. A federation or member agency must have had an office
78 open at least 20 hours per week employing full-time or part-time
79 employees in this state for the last 3 years.

80 2. A federation must represent at least 10 health and
81 human services, social welfare, or environmental agencies that
82 also have an office open at least 20 hours per week employing
83 full-time or part-time employees.

84 3. A member agency must document available services in the

85 local service area in which the campaign takes place in order to
86 participate in any local public employer campaign.

87 4. A federation or member agency must be governed by an
88 active, voluntary board that exercises administrative control.

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

94 (h) Local unaffiliated eligible charitable organizations
95 may apply to a participating federation for inclusion in the
96 local public employer campaign, provided the charitable
97 organization meets the eligibility requirements of the
98 participating federation; thus, ensuring that all local eligible
99 charitable organizations can participate.

100 (i) An independent charitable organization is exempt from
101 the federation or member agency membership requirement in
102 paragraph (e) if the organization currently participates in an
103 established public employer campaign and is in compliance with
104 the provisions of paragraphs (f) and (j).

105 (j) Federations and member agencies ineligible to
106 participate in the Florida Public Employees' Charitable Campaign
107 include, but are not limited to, the following:

108 1. A federation or member agency whose fundraising and
109 administrative expenses exceed 25 percent, unless extraordinary
110 circumstances can be demonstrated.

111 2. A federation or member agency whose activities contain
112 an element that is more than incidentally political in nature or

113 whose activities are primarily political, religious,
 114 professional, or fraternal in nature.

115 3. A federation or member agency that discriminates
 116 against any individual or group on account of race, color,
 117 religion, sex, national origin, age, handicap, or political
 118 affiliation.

119 4. A federation or member agency that is not properly
 120 registered as a charitable organization as required by the
 121 Solicitation of Contributions Act, ss. 496.401-496.424.

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

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

126 (a) Any public employer that conducts or wishes to conduct
 127 charitable workplace giving campaigns is not required to select
 128 a fiscal agent to act on its behalf for campaign fund
 129 distribution but may select through the competitive procurement
 130 process a fiscal agent or agents to receive, account for, and
 131 distribute charitable contributions among participating
 132 charitable organizations.

133 (b) The fiscal agent shall withhold the reasonable costs
 134 for conducting the campaign and for accounting and distribution
 135 to the participating organizations, not to exceed 12 percent of
 136 gross campaign pledges, and shall reimburse the public employer
 137 the actual cost, not to exceed 1 percent of gross pledges, for
 138 coordinating the campaign in accordance with the rules of the
 139 public employer.

140 (c) The fiscal agent shall furnish the public employer and

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141 participating charitable federations and member agencies a
142 report of the accounting and distribution activities. Records
143 relating to these activities shall be open for inspection.

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

146 (e) Participating charitable federations and member
147 agencies shall receive the same percentage of undesignated funds
148 raised in any campaign as the percentage of designated funds
149 they receive.

150 (f) All charitable organizations shall be represented
151 equally and fairly in each Florida Public Employees' Charitable
152 Campaign.

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