

By Senator Storms

10-02739C-08

20081576__

1 A bill to be entitled

2 An act relating to public employees' charitable campaigns;
3 creating s. 110.182, F.S.; creating the Public Employees'
4 Charitable Campaign for local public employers other than
5 state or federal employees; providing definitions;
6 authorizing a public employer to conduct a charitable
7 campaign as the sole fundraising drive conducted during
8 work hours; providing for workplace campaign activities
9 and employee payroll deductions; requiring all campaign
10 contributions to be voluntary; providing for employee
11 withdrawal from the campaign; providing criteria and
12 conditions for participating charitable organizations;
13 providing for the selection of a fiscal agent; authorizing
14 a specified percentage of the gross receipts to be
15 withheld to pay the costs of the public employer and
16 fiscal agent; providing for the distribution of
17 contributions; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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

23 110.182 Public Employees' Charitable Campaign.--

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

25 (a) "Charitable campaign" means a public employees'
26 workplace charitable campaign conducted pursuant to this section.

27 (b) "Federation" means a member group of charitable
28 organizations that have voluntarily joined together for the

10-02739C-08

20081576__

29 purpose of raising and distributing contributions for and among
30 themselves.

31 (c) "Fiscal agent" means the public employer or a
32 contracted entity that receives, accounts for, and distributes
33 charitable contributions among participating charitable
34 organizations as a separate function from participation in the
35 charitable campaign.

36 (d) "Member agency" means a charitable organization that
37 belongs to a federation.

38 (e) "Public employee" means an officer or employee of a
39 local governmental agency or political subdivision, excluding
40 state or federal officers or employees.

41 (f) "Public employer" means a local governmental agency,
42 office, or political subdivision, excluding a state or federal
43 office or agency.

44 (g) "Public employer service area" means the county or
45 special district in which the employer operates and adjacent
46 counties in which public employees employed by the public
47 employer reside.

48 (2) CHARITABLE CAMPAIGN.--A public employer may conduct an
49 annual public employee workplace charitable campaign, which shall
50 be the only charitable fundraising drive that may be conducted in
51 employee work areas during work hours, and for which the public
52 employer may collect charitable contributions through employee
53 payroll deductions. The campaign may be held at any time during
54 the year and shall replace or become part of the current public
55 employee charitable fundraising drive.

10-02739C-08

20081576__

56 (a) Public employees may not be coerced to participate in
57 the charitable campaign and a public employee's contribution to
58 the charitable campaign must be entirely voluntary.

59 (b) Payroll deductions made by the public employer from the
60 salaries or wages of public employees may be only in the amount
61 authorized by the employee for payment to an eligible charitable
62 organization designated by the employee. Authority for the
63 deduction may be withdrawn by the public employee at any time by
64 filing a written notification of withdrawal with the applicable
65 treasurer or responsible official in charge of the payroll
66 system.

67 (c) A committee composed of current employees of the public
68 employer shall be established by the public employer to assist in
69 conducting the charitable campaign.

70 (d) All participating federation and member agencies shall
71 receive a fair and equitable presence in any charitable campaign-
72 related activities and publications, including rotation of agency
73 listings in all printed and electronic media. There shall be no
74 preference for any one participating federation or member agency.

75 (3) QUALIFYING CHARITABLE ORGANIZATIONS.--A public employer
76 that conducts a charitable campaign must include all federations
77 and member agencies that meet the eligibility requirements for
78 participation in the charitable campaign and provide services in
79 the public employer service area which directly or indirectly
80 benefit persons residing in the area.

81 (a) Participation in the charitable campaign is limited to
82 charitable federations and member agencies that have as their
83 principal mission:

84 1. Public health and welfare;

10-02739C-08

20081576__

85 2. Education;

86 3. Environmental restoration and conservation;

87 4. Civil and human rights; or

88 5. Relief of human suffering and poverty.

89 (b) To participate in a charitable campaign:

90 1. A federation must have an office open at least 20 hours
91 per week employing full-time or part-time employees in this state
92 for the last 3 calendar years.

93 2. A federation must represent at least 10 eligible member
94 agencies that each have an office open at least 20 hours per week
95 employing full-time or part-time employees.

96 3. A member agency must, upon request, be able to document
97 the availability of services in the local public employer service
98 area in which the campaign takes place. A local address in the
99 public employer service area is sufficient documentation.

100 Federations are exempt from this requirement.

101 4. A federation and a member agency must be governed by an
102 active, voluntary board that exercises administrative control.

103 5. A federation and a member agency must be able to
104 demonstrate that its financial records are audited annually by an
105 independent public accountant whose examination conforms to
106 generally accepted accounting principles.

107 (c) A federation or a member agency may not participate in
108 the charitable campaign if the federation or the member agency:

109 1. Has fundraising and administrative expenses that exceed
110 25 percent of program funds, unless extraordinary circumstances
111 can be demonstrated.

10-02739C-08

20081576__

112 2. Conducts activities that contain an element that is more
113 than incidentally political in nature or are primarily political,
114 professional, or fraternal in nature.

115 3. Discriminates against an individual or group based on
116 race, color, religion, gender, national origin, age, disability,
117 or political affiliation.

118 4. Is not properly registered as a charitable organization
119 under chapter 496.

120 5. Has not received tax-exempt status under s. 501(c)(3) of
121 the Internal Revenue Code.

122 (d) To ensure that all eligible charitable organizations
123 serving the public employer service area are able to participate
124 in a charitable campaign, an unaffiliated charitable organization
125 must apply for membership in a participating federation and, if
126 the charitable organization meets the eligibility requirements of
127 the participating federation, must be accepted for membership by
128 the federation.

129 (4) FISCAL AGENT; DISTRIBUTION OF CONTRIBUTIONS.--A public
130 employer that conducts a charitable campaign may serve as the
131 fiscal agent for the charitable campaign or may contract with a
132 fiscal agent selected through a competitive procurement process.

133 (a) The fiscal agent may withhold up to 15 percent of gross
134 campaign receipts to pay for the public employer's reasonable
135 costs of conducting the charitable campaign and for the fees or
136 costs of the fiscal agent.

137 (b) Campaign pledge loss shall be calculated based on
138 actual receipts and may not be charged in advance as part of the
139 fiscal agent's costs or fees.

10-02739C-08

20081576__

140 (c) The fiscal agent shall maintain a complete record of
141 all receipts, costs, accounting, and distribution activities and
142 furnish the public employer and participating charitable
143 federations a report of the activities. Records relating to these
144 activities must be available for inspection by the public upon
145 request.

146 (d) The fiscal agent shall distribute contributions to the
147 federations for distribution to their member agencies quarterly,
148 with the first distribution to the federations within 6 months
149 after the current year campaign end date and distribution must be
150 completed within 18 months after the campaign end date.

151 (e) Each participating federation and member agency shall
152 receive the same percentage of undesignated contributions raised
153 in a charitable campaign as the percentage of designated
154 contributions it received.

155 Section 2. This act shall take effect July 1, 2008.