

1 A bill to be entitled
2 An act relating to public employees' charitable campaigns;
3 creating s. 110.182, F.S.; creating the Florida Public
4 Employees' Charitable Campaign for public employers
5 residing within identified geographic areas, excluding
6 state and federal employees; providing definitions;
7 requiring certain public employers to conduct a charitable
8 campaign as the sole fundraising drive conducted during
9 work hours; providing for public employee payroll
10 deductions and workplace campaign activities; requiring
11 all campaign contributions to be voluntary; providing
12 criteria for the application and withdrawal from the
13 campaign; providing that participation must be limited to
14 certain not-for-profit charitable federations and member
15 agencies; excluding certain charitable organizations from
16 participation; providing for selection of fiscal agent;
17 authorizing a specified percentage of the gross receipts
18 to be withheld to pay the costs of the public employer and
19 fiscal agent; providing for the distribution of
20 contributions; providing an effective date.

21
22 WHEREAS, it is not a function of the government to favor or
23 endorse one charity over another, and

24 WHEREAS, it is the state's responsibility not to accept a
25 monopoly on the types of charities a public employee may donate
26 to, and

27 WHEREAS, this act will allow a choice in charitable giving
28 to public employees, excluding state and federal employees, that

29 donate money through payroll deduction, alleviating opposition
 30 by a charitable entity or the necessity for a charitable entity
 31 to bring legal action, NOW, THEREFORE,

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

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

37 110.182 Florida Public Employees' Charitable Campaign.--

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

39 (a) "Available services" means services that are available
 40 through an approved participating agency that directly and
 41 indirectly benefit the citizens in the service area.

42 (b) "Federation" means a group of not-for-profit
 43 charitable organizations that have voluntarily joined together
 44 for the purpose of raising and distributing contributions for
 45 and among themselves. A federation must consist of at least 10
 46 member agencies in each public employer area.

47 (c) "Fiscal agent" means an organization or public
 48 employer that receives, accounts for, and distributes charitable
 49 contributions among participating federations as a separate
 50 function from their participation in the Florida Public
 51 Employees' Charitable Campaign.

52 (d) "Florida Public Employees' Charitable Campaign" means
 53 the only authorized charitable fundraising drive directed toward
 54 public employees, excluding state or federal employees, within
 55 work areas during work hours, and for which the public employer
 56 will provide payroll deduction opportunities.

57 (e) "Local public employer service area" consists of any
58 single county in which the public employers operate and adjacent
59 counties in which their public employees may reside.

60 (f) "Member agency" means a not-for-profit charitable
61 organization that belongs to a federation.

62 (g) "Public employee" means an employee of a local
63 governmental agency or any of its departments, bureaus,
64 committees, or officers, excluding state or federal employees.

65 (h) "Public employer" means a group of local governmental
66 agencies, offices, or political subdivisions housed within
67 county geographical boundaries, excluding a state or federal
68 office.

69 (2) CREATION AND ORGANIZATION OF FLORIDA PUBLIC EMPLOYEES'
70 CHARITABLE CAMPAIGN.--

71 (a) Public employers collectively residing within the
72 boundaries of a single county shall conduct one charitable
73 workplace giving campaign and shall include federations and
74 member agencies that meet the eligibility requirements for
75 participation in the public employer service area for that
76 county. The number of public employee charitable campaigns may
77 not exceed the number of local public employer service areas in
78 the state. Campaigns shall be identified as the "(County Name)
79 Charitable Campaign." This is the only authorized charitable
80 fundraising drive directed toward public employees within work
81 areas during work hours, and for which the collective public
82 employers in each public employer service area will provide
83 countywide payroll deduction opportunities. The campaign may be

84 held at any time during the year and shall replace any current
85 public employee charitable fundraising drive.

86 (b) Public employees may not be coerced to participate in
87 the Florida Public Employees' Charitable Campaign and public
88 employees' contributions must be entirely voluntary.

89 (c) Payroll deductions made by the public employer from
90 the salaries or wages of public employees may only be in the
91 amount authorized by the employee for payment to an eligible
92 federation or member agency designated by the employee.
93 Authority for the deduction may be withdrawn by the public
94 employee at any time by filing a written notification of
95 withdrawal with the applicable treasurer or responsible official
96 in charge of the payroll system, without penalty to the public
97 employee or fiscal agent.

98 (d) A committee composed of current employees of the
99 public employer shall be established by the public employers to
100 assist in conducting the charitable campaign.

101 (e) One printed or electronic brochure and pledge form
102 shall be created by the public employer for distribution to all
103 public employees located within the local public employer
104 service area.

105 (f) All participating federations and member agencies
106 shall receive a fair and equitable presence in any campaign-
107 related activities and publications, including rotation of
108 agency listings in all printed and electronic media. There shall
109 be no preference for any one participating federation or member
110 agency. Additionally, all participating federations must be

111 available to answer inquires made by each public employer
112 regarding campaign contributions related to its member agencies.

113 (3) QUALIFYING CHARITABLE ORGANIZATIONS.--A public
114 employer that conducts the Florida Public Employees' Charitable
115 Campaign must include all federations and member agencies that
116 meet the eligibility requirements for participation in the
117 campaign.

118 (a) Federations may participate in a campaign within each
119 of the local public employer service areas where they have at
120 least 10 eligible member agencies.

121 (b) A member agency that has available services in the
122 public employer service area that directly or indirectly
123 benefits citizens residing in the service area is eligible to
124 participate.

125 (c) Participation in the Florida Public Employees'
126 Charitable Campaign is limited to any federation or member
127 agency that has as its principal mission:

- 128 1. Public health and welfare;
- 129 2. Education;
- 130 3. Environmental restoration and conservation;
- 131 4. Civil and human rights; or
- 132 5. Relief of human suffering and poverty.

133 (d) To qualify as a federation or member agency for
134 purposes of the Florida Public Employees' Charitable Campaign:

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

138 2. A federation must represent at least 10 eligible member
139 agencies in public health and welfare services, education,
140 environmental restoration and conservation, civil and human
141 rights, or the relief of human suffering and poverty, each of
142 which has an office open at least 20 hours per week.

143 3. A member agency must be able to, upon request, document
144 the availability of its services in the public employer service
145 area in which the campaign takes place. A local address in the
146 public employer service area is sufficient documentation.
147 Federations are exempt from this requirement.

148 4. Each federation and member agency must be governed by
149 an active, voluntary board that exercises administrative
150 control.

151 (e) Each federation and member agency must certify that it
152 has its financial records audited annually by an independent
153 public accountant whose examination conforms to generally
154 accepted accounting principles.

155 (f) Local unaffiliated eligible charitable organizations
156 may apply to a participating federation for inclusion in the
157 Florida Public Employees' Charitable Campaign, provided such
158 charitable organizations meet the eligibility requirements of
159 the participating federation, thus ensuring that all local
160 eligible charitable organizations can participate.

161 (g) A federation or a member agency may not participate in
162 the campaign if the federation or member agency:

163 1. Has fundraising and administrative expenses that exceed
164 25 percent of its program funds.

165 2. Conducts activities that contain an element that is
 166 more than incidentally political in nature or that are primarily
 167 political, religious, professional, or fraternal in nature.

168 3. Discriminates against an individual or group based on
 169 race, color, religion, sex, national origin, age, disability, or
 170 political affiliation.

171 4. Is not properly registered as a charitable organization
 172 as required by the Solicitation of Contributions Act, ss.
 173 496.401-496.424.

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

176 (4) SELECTION OF FISCAL AGENTS; COST.--

177 (a) A public employer that conducts the Florida Public
 178 Employees' Charitable Campaign may serve as the fiscal agent for
 179 the campaign or may contract with a fiscal agent selected
 180 through a competitive procurement process.

181 (b) The fiscal agent may withhold up to 10 percent of
 182 gross campaign receipts to pay for the public employer's
 183 reasonable costs of conducting the campaign and for the fees or
 184 costs of the fiscal agent, potentially alleviating any cost to
 185 the public employer.

186 (c) Campaign pledge loss shall be calculated based on
 187 actual receipts and may not be charged in advance as part of the
 188 fiscal agent's fees.

189 (d) The fiscal agent shall maintain a complete record of
 190 all receipts, costs, and accounting and distribution activities
 191 and furnish a report of the activities to the public employer,
 192 federations, and member agencies. Records relating to these

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193 activities must be available for inspection by the public upon
194 request.

195 (e) Each participating federation and member agency shall
196 receive the same percentage of undesignated contributions raised
197 in the campaign as the percentage of designated contributions it
198 received.

199 (f) The fiscal agent shall distribute contributions to the
200 federations for distribution to their member agencies quarterly,
201 with the first distribution to the federations within 6 months
202 after the current year campaign end date and final distribution
203 within 18 months after the campaign end date.

204 Section 2. This act shall take effect July 1, 2009.