

By Senator Sobel

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

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

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

29 WHEREAS, this act will allow a choice in charitable giving

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30 to public employees, excluding state and federal employees, that
31 donate money through payroll deduction, alleviating opposition
32 by a charitable entity or the necessity for a charitable entity
33 to bring legal action, NOW, THEREFORE,

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

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

39 110.182 Florida Public Employees' Charitable Campaign.—

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

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

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

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

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

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

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

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

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

71 (2) CREATION AND ORGANIZATION OF FLORIDA PUBLIC EMPLOYEES'
72 CHARITABLE CAMPAIGN.—

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

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

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

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

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

106 (f) All participating federations and member agencies shall
107 receive a fair and equitable presence in any campaign-related
108 activities and publications, including rotation of agency
109 listings in all printed and electronic media. There shall be no
110 preference for any one participating federation or member
111 agency. Additionally, all participating federations must be
112 available to answer inquires made by each public employer
113 regarding campaign contributions related to its member agencies.

114 (3) QUALIFYING CHARITABLE ORGANIZATIONS.—A public employer
115 that conducts the Florida Public Employees' Charitable Campaign
116 must include all federations and member agencies that meet the

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117 eligibility requirements for participation in the 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

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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 an
149 active, voluntary board that exercises administrative control.

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

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

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

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

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

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

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

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

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

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

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

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

188 (d) The fiscal agent shall maintain a complete record of
189 all receipts, costs, and accounting and distribution activities
190 and furnish a report of the activities to the public employer,
191 federations, and member agencies. Records relating to these
192 activities must be available for inspection by the public upon
193 request.

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

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

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