

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1141 State Employment
SPONSOR(S): Yarborough
TIED BILLS: **IDEN./SIM. BILLS:** SB 1310

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	11 Y, 0 N	Whittaker	Harrington
2) Government Accountability Committee			

SUMMARY ANALYSIS

The Florida State Employees' Charitable Campaign (FSECC) is an annual charitable fundraising drive administered by the Department of Management Services. It is the only authorized charitable fundraising drive directed toward state employees within work areas during work hours, and for which the state will provide a payroll deduction. State officer and employee participation is completely voluntary. A state officer or employee choosing to donate during an FSECC fundraising drive must specifically designate a participating organization as the recipient of the officer's or employee's contribution. Participation in the FSECC is limited to nonprofit charitable organizations that meet certain criteria.

The bill eliminates the FSECC and provides that no organization, entity, or person may intentionally solicit a state employee through any means for fundraising or business purposes within work areas during work hours. However, this does not prohibit state-approved communications by entities that the state has contracted to provide employee benefits or services.

The bill may have a positive fiscal impact on the state and does not have a fiscal impact on local governments. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida State Employees' Charitable Campaign (FSECC) is an annual charitable fundraising drive administered by the Department of Management Services (DMS).¹ It is the only authorized charitable fundraising drive directed toward state employees within work areas during work hours. During an FSECC fundraising drive, a state officer or employee may contribute to various participating charitable organizations.² A state officer or employee choosing to donate during an FSECC fundraising drive must specifically designate a participating organization as the recipient of the contribution.³ Participation is completely voluntary.⁴ Employees can contribute through payroll deduction, a one-time gift, or both.⁵

Participation in the FSECC is limited to a nonprofit charitable organization that has as its principal mission public health and welfare, education, environmental restoration and conservation, civil and human rights, or the relief of human suffering and poverty.⁶

DMS must procure a fiscal agent or agents to receive, account for, and distribute charitable contributions among participating charitable organizations.⁷ A FSECC steering committee⁸ is established to assist it in oversight, development, and administration of the FSECC.⁹

FSECC has raised over \$94 million.¹⁰

Effect of the Bill

The bill eliminates the FSECC. The bill also prohibits an organization, entity, or person from intentionally soliciting a state employee through any means for fundraising or business purposes within work areas during work hours. However, this does not prohibit state-approved communications by entities that the state has contracted to provide employee benefits or services.

B. SECTION DIRECTORY:

Section 1. Repeals s. 110.181, F.S., relating to the FSECC.

Section 2. Creates s. 110.182, F.S., prohibiting an organization, entity, or person from intentionally soliciting state employees for fundraising or business purposes within specified areas during specified times; providing an exemption for certain state-approved communications.

¹ Section 110.181(1)(a), F.S.

² *Id.*

³ Section 110.181(1)(b), F.S.

⁴ *Id.*

⁵ Section 110.181(1)(a), F.S.

⁶ Section 110.181(1)(c), F.S.

⁷ Section 110.181(2)(a), F.S.

⁸ The FSECC steering committee has seven members appointed by the administration commission, and two members appointed by the secretary of DMS from among applicants submitted from other agencies or departments. The committee members serve staggered terms and meet at the call of the secretary. Members serve without compensation, but are entitled to receive reimbursement for travel and per diem expenses. Section 110.181(4), F.S.

⁹ *Id.*

¹⁰ Department of Management Services, *Donor Frequently Asked Questions*,

<http://www.dms.myflorida.com/content/download/128373/798921/FAQ-Donor-2016.pdf> (last visited March 7, 2017).

Section 3. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may have a positive fiscal impact on DMS because the department would no longer be required to procure the services of a fiscal agent or agents to receive, account for, and distribute charitable contributions among participating charitable organizations for the FSECC.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.