

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1141 State Employment  
**SPONSOR(S):** Government Accountability Committee; 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	23 Y, 0 N, As CS	Whittaker	Williamson

### 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, it does not prohibit state-approved communications by entities that the state has contracted to provide employee benefits or services, noncoercive voluntary communications between state employees in workplace areas, and activities at authorized public events occurring in non-work areas of state owned or leased facilities.

The bill may have a positive fiscal impact on the state and does not appear to 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).<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Participation is completely voluntary.<sup>4</sup> Employees can contribute through payroll deduction, a one-time gift, or both.<sup>5</sup>

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.<sup>6</sup>

DMS must procure a fiscal agent or agents to receive, account for, and distribute charitable contributions among participating charitable organizations.<sup>7</sup> A FSECC steering committee<sup>8</sup> is established to assist it in oversight, development, and administration of the FSECC.<sup>9</sup>

On December 5, 2016, the secretary of DMS notified state agencies that the campaign was being suspended because it had only raised approximately \$282,000, which was its lowest amount in the campaign's history.<sup>10</sup> During its 36 year history, the FSECC raised over \$94 million.<sup>11</sup>

##### 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, it does not prohibit state-approved communications by entities that the state has contracted to provide employee benefits or services, noncoercive voluntary communications between state employees in workplace areas, and activities at authorized public events occurring in non-work areas of state owned or leased facilities.

#### B. SECTION DIRECTORY:

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

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<sup>1</sup> Section 110.181(1)(a), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 110.181(1)(b), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 110.181(1)(a), F.S.

<sup>6</sup> Section 110.181(1)(c), F.S.

<sup>7</sup> Section 110.181(2)(a), F.S.

<sup>8</sup> 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.

<sup>9</sup> *Id.*

<sup>10</sup> *State scraps Solix contract, suspends charity campaign*, Tallahassee Democrat, December 8, 2016, available at <http://www.tallahassee.com/story/news/2016/12/08/state-suspends-beleagured-fsecc/95139288/> (last visited March 14, 2017).

<sup>11</sup> Department of Management Services, *Donor Frequently Asked Questions*, question 1, page 2, available at <http://www.dms.myflorida.com/content/download/128373/798921/FAQ-Donor-2016.pdf> (last visited March 7, 2017).

Section 2. Creates s. 110.182, F.S., prohibiting solicitation of state employees.

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**

On March 16, 2017, the Government Accountability Committee adopted an amendment and reported the bill favorably as a committee substitute. The bill prohibits the solicitation of public employees under certain circumstances. The amendment added two additional exceptions to the prohibition. It added exceptions for

noncoercive voluntary communications between state employees in workplace areas and activities at authorized public events occurring in non-work areas of state owned or leased facilities.

This analysis is drafted to the committee substitute as approved by the Government Accountability Committee.