

By Senator Montford

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1 A bill to be entitled
2 An act relating to the Florida State Employees'
3 Charitable Campaign; amending s. 110.181, F.S.;
4 prohibiting the Department of Management Services from
5 contracting with a third party to administer the
6 campaign; removing the requirement that the department
7 select a fiscal agent to receive, account for, and
8 distribute contributions among charitable
9 organizations participating in the campaign; revising
10 the department's rulemaking authority to conform to
11 changes made by the act; deleting provisions providing
12 for the establishment of the Florida State Employees'
13 Charitable Campaign Steering Committee; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 110.181, Florida Statutes, is amended to
19 read:

20 110.181 Florida State Employees' Charitable Campaign.—

21 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

22 (a) The Department of Management Services shall establish
23 and maintain, in coordination with the payroll system of the
24 Department of Financial Services, an annual Florida State
25 Employees' Charitable Campaign. Except as provided in subsection
26 (3) ~~(5)~~, this annual fundraising drive is the only authorized
27 charitable fundraising drive directed toward state employees
28 within work areas during work hours, and for which the state
29 will provide payroll deduction. The department may not contract

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30 with a third party to receive, account for, and distribute
31 contributions among charitable organizations participating in
32 the Florida State Employees' Charitable Campaign.

33 (b) State officers' and employees' contributions toward the
34 Florida State Employees' Charitable Campaign must be entirely
35 voluntary. State officers and employees shall designate a
36 charitable organization to receive their contributions unless
37 such contributions are collected as part of a campaign event.

38 (c) Participation in the annual Florida State Employees'
39 Charitable Campaign is limited to any nonprofit charitable
40 organization that has as its principal mission:

- 41 1. Public health and welfare;
- 42 2. Education;
- 43 3. Environmental restoration and conservation;
- 44 4. Civil and human rights; or
- 45 5. The relief of human suffering and poverty.

46 (d) The financial records of a nonprofit charitable
47 organization participating in the Florida State Employees'
48 Charitable Campaign must be audited annually by an independent
49 public accountant whose examination conforms to generally
50 accepted accounting principles.

51 (e) Organizations ineligible to participate in the Florida
52 State Employees' Charitable Campaign include, but are not
53 limited to, the following:

54 1. Organizations whose fundraising and administrative
55 expenses exceed 25 percent, unless extraordinary circumstances
56 can be demonstrated.

57 2. Organizations whose activities contain an element that
58 is more than incidentally political in nature or whose

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59 activities are primarily political, religious, professional, or
60 fraternal in nature.

61 3. Organizations that discriminate against any individual
62 or group on account of race, color, religion, sex, national
63 origin, age, handicap, or political affiliation.

64 4. Organizations not properly registered as a charitable
65 organization as required by the Solicitation of Contributions
66 Act, ss. 496.401-496.424.

67 5. Organizations that have not received tax-exempt status
68 under s. 501(c)(3) of the Internal Revenue Code.

69 ~~(2) SELECTION OF FISCAL AGENTS; COST.~~

70 ~~(a) The Department of Management Services shall select~~
71 ~~through the competitive procurement process a fiscal agent or~~
72 ~~agents to receive, account for, and distribute charitable~~
73 ~~contributions among participating charitable organizations.~~

74 ~~(b) The fiscal agent shall withhold the reasonable costs~~
75 ~~for conducting the campaign and for accounting and distribution~~
76 ~~to the participating organizations and shall reimburse the~~
77 ~~department the actual cost for coordinating the campaign in~~
78 ~~accordance with the rules of the department. In any fiscal year~~
79 ~~that the Legislature specifically appropriates to the department~~
80 ~~its total costs for coordinating the campaign from the General~~
81 ~~Revenue Fund, the fiscal agent is not required to reimburse such~~
82 ~~costs to the department under this subsection. Otherwise,~~
83 ~~reimbursement will be the difference between actual costs and~~
84 ~~the amount appropriated.~~

85 ~~(c) The fiscal agent shall furnish the department and~~
86 ~~participating charitable organizations a report of the~~
87 ~~accounting and distribution activities. Records relating to~~

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88 ~~these activities must be open for inspection upon reasonable~~
 89 ~~notice and request.~~

90 ~~(d) The fiscal agent shall distribute undesignated funds to~~
 91 ~~each participating organization in direct proportion to the~~
 92 ~~percentage of designated funds pledged to the organization.~~

93 (2) ~~(3)~~ RULEMAKING AUTHORITY; ADMINISTRATIVE REVIEW.—

94 (a) In accordance with the recommendations of the steering
 95 committee, the department shall adopt rules relating to the time
 96 and manner for charitable organizations' participation in the
 97 campaign, the receipt, accounting, and distribution of
 98 charitable contributions, ~~selection and responsibilities of the~~
 99 ~~fiscal agent,~~ determination of eligible expenses, and such other
 100 rules as may be necessary to administer the campaign.

101 (b) Department action which adversely affects the
 102 substantial interests of a party may be subject to a hearing.
 103 The proceeding shall be conducted in accordance with chapter
 104 120, except that the time limits set forth in s. 496.405(7)
 105 shall prevail to the extent of any conflict.

106 ~~(4) FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN STEERING~~
 107 ~~COMMITTEE. A Florida State Employees' Charitable Campaign~~
 108 ~~steering committee shall be established with seven members~~
 109 ~~appointed by members of the administration commission, and two~~
 110 ~~members appointed by the secretary of the department from among~~
 111 ~~applications submitted from other agencies or departments. The~~
 112 ~~committee, whose members shall serve staggered terms, shall meet~~
 113 ~~at the call of the secretary. Members shall serve without~~
 114 ~~compensation, but shall be entitled to receive reimbursement for~~
 115 ~~travel and per diem expenses as provided in s. 112.061.~~

116 (3) ~~(5)~~ PARTICIPATION OF STATE UNIVERSITIES.—Each university

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117 may elect to participate in the Florida State Employees'
118 Charitable Campaign, upon timely notice to the department. Each
119 university may also conduct annual charitable fundraising drives
120 for employees under the authority granted in s. 1001.706.
121 Section 2. This act shall take effect July 1, 2017.