

1 A bill to be entitled
 2 An act relating to public employees' charitable campaigns;
 3 creating s. 110.182, F.S.; creating the Public Employees'
 4 Charitable Campaign for local public employers other than
 5 state or federal employees; providing definitions;
 6 authorizing a public employer to conduct a charitable
 7 campaign as the sole fundraising drive conducted during
 8 work hours; providing for workplace campaign activities
 9 and employee payroll deductions; requiring all campaign
 10 contributions to be voluntary; providing for employee
 11 withdrawal from the campaign; providing criteria and
 12 conditions for participating charitable organizations;
 13 providing for the selection of a fiscal agent; authorizing
 14 a specified percentage of the gross receipts to be
 15 withheld to pay the costs of the public employer and
 16 fiscal agent; providing for the distribution of
 17 contributions; providing an effective date.

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

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 21 Section 1. Section 110.182, Florida Statutes, is created
 22 to read:

23 110.182 Public Employees' Charitable Campaign.--

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

25 (a) "Charitable campaign" means a public employees'
 26 workplace charitable campaign conducted pursuant to this
 27 section.

28 (b) "Federation" means a member group of charitable
29 organizations that have voluntarily joined together for the
30 purpose of raising and distributing contributions for and among
31 themselves.

32 (c) "Fiscal agent" means the public employer or a
33 contracted entity that receives, accounts for, and distributes
34 charitable contributions among participating charitable
35 organizations as a separate function from participation in the
36 charitable campaign.

37 (d) "Member agency" means a charitable organization that
38 belongs to a federation.

39 (e) "Public employee" means an officer or employee of a
40 local governmental agency or political subdivision, excluding
41 state or federal officers or employees.

42 (f) "Public employer" means a local governmental agency,
43 office, or political subdivision, excluding a state or federal
44 office or agency.

45 (g) "Public employer service area" means the county or
46 special district in which the employer operates and adjacent
47 counties in which public employees employed by the public
48 employer reside.

49 (2) CHARITABLE CAMPAIGN.--A public employer may conduct an
50 annual public employee workplace charitable campaign, which
51 shall be the only charitable fundraising drive that may be
52 conducted in employee work areas during work hours, and for
53 which the public employer may collect charitable contributions
54 through employee payroll deductions. The campaign may be held at

55 any time during the year and shall replace or become part of the
56 current public employee charitable fundraising drive.

57 (a) Public employees may not be coerced to participate in
58 the charitable campaign and a public employee's contribution to
59 the charitable campaign must be entirely voluntary.

60 (b) Payroll deductions made by the public employer from
61 the salaries or wages of public employees may be only in the
62 amount authorized by the employee for payment to an eligible
63 charitable organization designated by the employee. Authority
64 for the deduction may be withdrawn by the public employee at any
65 time by filing a written notification of withdrawal with the
66 applicable treasurer or responsible official in charge of the
67 payroll system.

68 (c) A committee composed of current employees of the
69 public employer shall be established by the public employer to
70 assist in conducting the charitable campaign.

71 (d) All participating federation and member agencies shall
72 receive a fair and equitable presence in any charitable
73 campaign-related activities and publications, including rotation
74 of agency listings in all printed and electronic media. There
75 shall be no preference for any one participating federation or
76 member agency.

77 (3) QUALIFYING CHARITABLE ORGANIZATIONS.--A public
78 employer that conducts a charitable campaign must include all
79 federations and member agencies that meet the eligibility
80 requirements for participation in the charitable campaign and
81 provide services in the public employer service area which
82 directly or indirectly benefit persons residing in the area.

83 (a) Participation in the charitable campaign is limited to
84 charitable federations and member agencies that have as their
85 principal mission:

- 86 1. Public health and welfare;
87 2. Education;
88 3. Environmental restoration and conservation;
89 4. Civil and human rights; or
90 5. Relief of human suffering and poverty.

91 (b) To participate in a charitable campaign:

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

95 2. A federation must represent at least 10 eligible member
96 agencies that each have an office open at least 20 hours per
97 week employing full-time or part-time employees.

98 3. A member agency must, upon request, be able to document
99 the availability of services in the local public employer
100 service area in which the campaign takes place. A local address
101 in the public employer service area is sufficient documentation.
102 Federations are exempt from this requirement.

103 4. A federation and a member agency must be governed by an
104 active, voluntary board that exercises administrative control.

105 5. A federation and a member agency must be able to
106 demonstrate that its financial records are audited annually by
107 an independent public accountant whose examination conforms to
108 generally accepted accounting principles.

109 (c) A federation or a member agency may not participate in
110 the charitable campaign if the federation or the member agency:

111 1. Has fundraising and administrative expenses that exceed
112 25 percent of program funds, unless extraordinary circumstances
113 can be demonstrated.

114 2. Conducts activities that contain an element that is
115 more than incidentally political in nature or are primarily
116 political, professional, or fraternal in nature.

117 3. Discriminates against an individual or group based on
118 race, color, religion, gender, national origin, age, disability,
119 or political affiliation.

120 4. Is not properly registered as a charitable organization
121 under chapter 496.

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

124 (d) To ensure that all eligible charitable organizations
125 serving the public employer service area are able to participate
126 in a charitable campaign, an unaffiliated charitable
127 organization must apply for membership in a participating
128 federation and, if the charitable organization meets the
129 eligibility requirements of the participating federation, must
130 be accepted for membership by the federation.

131 (4) FISCAL AGENT; DISTRIBUTION OF CONTRIBUTIONS.--A public
132 employer that conducts a charitable campaign may serve as the
133 fiscal agent for the charitable campaign or may contract with a
134 fiscal agent selected through a competitive procurement process.

135 (a) The fiscal agent may withhold up to 15 percent of
136 gross campaign receipts to pay for the public employer's
137 reasonable costs of conducting the charitable campaign and for
138 the fees or costs of the fiscal agent.

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139 (b) Campaign pledge loss shall be calculated based on
140 actual receipts and may not be charged in advance as part of the
141 fiscal agent's costs or fees.

142 (c) The fiscal agent shall maintain a complete record of
143 all receipts, costs, accounting, and distribution activities and
144 furnish the public employer and participating charitable
145 federations a report of the activities. Records relating to
146 these activities must be available for inspection by the public
147 upon request.

148 (d) The fiscal agent shall distribute contributions to the
149 federations for distribution to their member agencies quarterly,
150 with the first distribution to the federations within 6 months
151 after the current year campaign end date and distribution must
152 be completed within 18 months after the campaign end date.

153 (e) Each participating federation and member agency shall
154 receive the same percentage of undesignated contributions raised
155 in a charitable campaign as the percentage of designated
156 contributions it received.

157 Section 2. This act shall take effect July 1, 2008.