

CHAPTER 2015-61

Senate Bill No. 694

An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; providing an exception to the requirement that state officers and employees designate a charitable organization to receive their contributions from the Florida State Employees' Charitable Campaign; deleting requirements for independent unaffiliated agencies, international service agencies, and national agencies; requiring the fiscal agent selected by the Department of Management Services to distribute undesignated funds in a specified manner; deleting the requirement that a local steering committee be established in each fiscal agent area; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 110.181, Florida Statutes, are amended to read:

110.181 Florida State Employees' Charitable Campaign.—

(1) CREATION AND ORGANIZATION OF CAMPAIGN.—

(a) The Department of Management Services shall establish and maintain, in coordination with the payroll system of the Department of Financial Services, an annual Florida State Employees' Charitable Campaign. Except as provided in subsection (5), this annual fundraising drive is the only authorized charitable fundraising drive directed toward state employees within work areas during work hours, and for which the state will provide payroll deduction.

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

(c) Participation in the annual Florida State Employees' Charitable Campaign ~~is must be~~ limited to any nonprofit charitable organization that ~~which~~ has as its principal mission:

1. Public health and welfare;
2. Education;
3. Environmental restoration and conservation;
4. Civil and human rights; or

5. ~~Any nonprofit charitable organization engaged in~~ The relief of human suffering and poverty.

~~(d) An independent unaffiliated agency must be a statewide entity whose programs provide substantial, direct, hands-on services that meet basic human or environmental needs and extend throughout the year and throughout the state.~~

~~(e) An international service agency must have well-defined programs that meet basic human or environmental needs outside the United States with no duplication of existing programs.~~

~~(f) A national agency must demonstrate, through a well-defined program, direct services meeting basic human or environmental needs which are readily available, being administered, or providing a substantial direct benefit to the residents of this state.~~

~~(d)(g) The financial records of a~~ Any nonprofit charitable organization participating in the Florida State Employees' Charitable Campaign ~~must be~~ have its financial records audited annually by an independent public accountant whose examination conforms to generally accepted accounting principles.

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

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

2. Organizations whose activities contain an element that is more than incidentally political in nature or whose activities are primarily political, religious, professional, or fraternal in nature.

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

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

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

(2) SELECTION OF FISCAL AGENTS; COST.—

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

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

(c) The fiscal agent shall furnish the department and participating charitable organizations a report of the accounting and distribution activities. Records relating to these activities must ~~shall~~ be open for inspection upon reasonable notice and request.

~~(d) The fiscal agent shall distribute undesignated funds to each participating organization in direct proportion to the percentage of designated funds pledged to the organization. A local steering committee shall be established in each fiscal agent area to assist in conducting the campaign. The committee shall be composed of state employees selected by the fiscal agent from among recommendations provided by interested participating organizations, if any, and approved by the Statewide Steering Committee.~~

Section 2. This act shall take effect July 1, 2015.

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.