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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/03/2013	.	
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	.	
	.	

The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Before line 31
insert:

Section 1. Section 255.60, Florida Statutes, is amended to
read:

255.60 Special contracts with charitable not-for-profit
~~youth~~ organizations.—The state, ~~or~~ the governing body of any
political subdivision of the state, or a public-private
partnership is authorized, but not required, to contract for
public service work with a not-for-profit organization ~~such as~~
~~highway and park maintenance,~~ notwithstanding competitive sealed



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13 bid procedures required under this chapter, ~~or~~ chapter 287, or
14 any municipal or county charter, upon compliance with this
15 section.

16 (1) The contractor or supplier must meet the following
17 conditions:

18 (a) The contractor or supplier must be a not-for-profit
19 corporation incorporated under chapter 617 and in good standing.

20 (b) The contractor or supplier must hold exempt status
21 under s. 501(a) of the Internal Revenue Code, as an organization
22 described in s. 501(c)(3) of the Internal Revenue Code.

23 ~~(c) The corporate charter of the contractor or supplier~~
24 ~~must state that the corporation is organized as a charitable~~
25 ~~youth organization exclusively for at-risk youths enrolled in a~~
26 ~~work-study program.~~

27 (c) ~~(d)~~ Administrative salaries and benefits for any such
28 corporation shall not exceed 15 percent of gross revenues. Field
29 supervisors shall not be considered administrative overhead.

30 (2) The contract, if approved by authorized agency
31 personnel of the state, ~~or~~ the governing body of a political
32 subdivision, or the public-private partnership, as appropriate,
33 must provide at a minimum that:

34 (a) For youth organizations, labor shall be performed
35 exclusively by at-risk youth and their direct supervisors; and
36 shall not be subject to subcontracting.

37 (b) For the preservation, maintenance, and improvement of
38 park land, the property must be at least 20 acres with
39 contiguous public facilities that are capable of seating at
40 least 5,000 people in a permanent structure.

41 (c) For public education buildings, the building must be at



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42 least 90,000 square feet.

43 (d) ~~(b)~~ Payment must be production-based.

44 (e) ~~(e)~~ The contract will terminate should the contractor or
45 supplier no longer qualify under subsection (1).

46 ~~(d) The supplier or contractor has instituted a drug-free~~
47 ~~workplace program substantially in compliance with the~~
48 ~~provisions of s. 287.087.~~

49 (f) ~~(e)~~ The contractor or supplier agrees to be subject to
50 review and audit at the discretion of the Auditor General in
51 order to ensure that the contractor or supplier has complied
52 with this section.

53 (3) A ~~No~~ contract under this section may not exceed the
54 annual sum of \$250,000.

55 (4) Should a court find that a contract purporting to have
56 been entered into pursuant to this section does not so qualify,
57 the court may order that the contract be terminated on
58 reasonable notice to the parties. The court shall not require
59 disgorgement of any moneys earned for goods or services actually
60 delivered or supplied.

61 (5) Nothing in this section shall excuse any person from
62 compliance with ss. 287.132-287.134.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Between lines 2 and 3

67 insert:

68 amending s. 255.60, F.S.; authorizing certain public
69 entities to contract for public service works with a
70 not-for-profit organization despite competitive sealed



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71 bid requirements; revising eligibility requirements
72 for not-for-profit organizations contracting with
73 certain public entities; revising required contract
74 provisions;