

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2248

SPONSOR: Senator Wasserman Schultz

SUBJECT: Charitable Youth Organizations

DATE: March 19, 2003 REVISED: 03/26/03 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes a municipality, political subdivision, or agency to contract with a not-for-profit charitable youth organization notwithstanding any competitive bid procedures contained in chapters 255 and 187, F.S. The organization must meet the qualifications of s. 501(c)(3) of the Internal Revenue Code and be organized exclusively to provide public service work such as highway and park maintenance by at-risk youths enrolled in a work-study program. Further, the bill contains a maximum annual award limit of \$250,000 on these contracts for a municipality, political subdivision, or agency and requires the contracts to be production-based. Finally, the bill requires the governing body of a municipality or authorized agency personnel to approve the contracts.

This bill creates a new section of the Florida Statutes.

II. Present Situation:

Chapter 255, F.S., relates to public property and publicly-owned buildings. This chapter provides competitive bidding procedures and other requirements for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work.¹ The procurement of personal property and services by an agency is governed by ch. 287, F.S. An agency is defined as “the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization . . . of the executive branch of state government”.² An agency contracting for the purchase of commodities or contractual services in excess of a threshold established by the Department of Management

¹ Ss. 255.01-.563, Fla. Stat. (2002).

² S. 287.012(1), Fla. Stat. (2002).

Services is required to follow the competitive-solicitation bid requirements of s. 287.057, F.S. Presently, this threshold is \$25,000.³

However, the definition of “contractual services” under ch. 287, F.S., does not include a contract for the “construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property” entered into under ch. 255, F.S.⁴ Also, the following contractual services are exempted from competitive-bid solicitation requirements: artistic services, academic program reviews, lectures by individuals, auditing services, legal services, health services, services provided to persons with mental or physical disabilities by not-for profit corporations, certain Medicaid services, family placement services, certain prevention services, training and education services provided to injured employees, contracts for the construction and maintenance of state highways and other roads, services provided by governmental agencies, and certain continuing educational events offered to the public.⁵ Although contractual services provided to persons with mental or physical disabilities by not-for-profit corporations are exempt from competitive-bid solicitation requirements, the agency must consider the “ability of a vendor, past performance, willingness to meet time requirements, and price” when acquiring these services.⁶

The Department of Transportation is authorized to enter into contracts for the construction and maintenance of all roads in the State Highway System of the State Park Road System or placed under the department’s supervision by law.⁷ The department must follow statutory bid requirements in awarding the proposed construction work to the lowest responsible bidder or to the lowest evaluated responsible bidder in the case of a time-plus-money contract.⁸ As far as routine maintenance is concerned, the department may enter into contracts with counties and municipalities within their respective boundaries for the performance of routine maintenance work on the State Highway System.⁹ The county or municipality is entitled to reimbursement from the department as provided in the contract.¹⁰

In 1997, the Legislature created the youth work experience program to provide young men and women an opportunity to obtain public service work and training experience that protects the state’s valuable resources and encourages participation in other community enhancement projects.¹¹ Under this program, the Department of Transportation is authorized to contract with public agencies and nonprofit organizations for construction and maintenance work on transportation-related facilities by youths enrolled in a youth work experience program.¹²

³ S. 287.017, Fla. Stat. (2002). The Department of Management Services may adjust the amount based on the rate of change of a nationally recognized price index.

⁴ S. 287.012(9), Fla. Stat. (2002).

⁵ S. 287.057(5)(f)-(g), Fla. Stat. (2002).

⁶ S. 287.057(5)(f)7., Fla. Stat. (2002).

⁷ S. 337.11(1), Fla. Stat. (2002).

⁸ S. 337.11(2)-(4), Fla. Stat. (2002).

⁹ S. 335.055(1), Fla. Stat. (2002).

¹⁰ S. 335.055(3), Fla. Stat. (2002).

¹¹ Ch. 97-280, s. 13, L.O.F., codified as amended at s. 334.351, Fla. Stat.

¹² S. 334.351, Fla. Stat. (2002).

III. Effect of Proposed Changes:

Section 1 of the bill authorizes the governing body of a municipality, political subdivision or agency, except as otherwise provided by law, to contract with a not-for-profit charitable youth organization. This authorization is notwithstanding any provisions relating to competitive bid procedures contained in chapters 255 or 287, F.S. However, the charitable youth organization must meet the qualifications of s. 501(c)(3) of the Internal Revenue Code and be organized exclusively to provide public service work such as highway and park maintenance by at-risk youths enrolled in a work-study program.

This bill requires contracts under this act to be production-based and there is a maximum annual award limit of \$250,000 for each municipality, political subdivision or agency. Also, the contracts must be approved by the governing body of a municipality or authorized agency personnel.

Section 2 of the bill provides the act shall take effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Comprehensive Planning:
Technical amendment.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
