

By the Committee on Governmental Oversight and Productivity;
and Senators Wasserman Schultz, Bennett, Lawson, Miller, Diaz
de la Portilla and Jones

302-2393-03

1 A bill to be entitled
2 An act relating to charitable youth
3 organizations; creating s. 255.60, F.S.;
4 authorizing the state and its political
5 subdivisions to contract with charitable youth
6 organizations for certain public service work;
7 providing for contracts and award limit;
8 providing limitations; providing an effective
9 date.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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

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

255.60 Special contracts with charitable youth
organizations.--The state, or the governing body of any
political subdivision of the state, is authorized, but not
required, to contract for public service work such as highway
and park maintenance, notwithstanding competitive sealed bid
procedures required under this chapter or chapter 287, upon
compliance with this section.

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

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

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

1 (c) The corporate charter of the contractor or
2 supplier must state that the corporation is organized as a
3 charitable youth organization exclusively for at-risk youths
4 enrolled in a work-study program.

5 (d) Administrative salaries and benefits for any such
6 corporation shall not exceed 15 percent of gross revenues.
7 Field supervisors shall not be considered administrative
8 overhead.

9 (2) The contract, if approved by authorized agency
10 personnel of the state, or the governing body of a political
11 subdivision, as appropriate, must provide at a minimum that:

12 (a) Labor shall be performed exclusively by at-risk
13 youth and their direct supervisors; and shall not be subject
14 to subcontracting.

15 (b) Payment must be production-based.

16 (c) The contract will terminate should the contractor
17 or supplier no longer qualify under subsection (1).

18 (d) The supplier or contractor has instituted a
19 drug-free workplace program substantially in compliance with
20 the provisions of s. 287.087.

21 (e) The contractor or supplier agrees to be subject to
22 review and audit at the discretion of the Auditor General in
23 order to ensure that the contractor or supplier has complied
24 with this section.

25 (3) No contract under this section may exceed the
26 annual sum of \$250,000.

27 (4) Should a court find that a contract purporting to
28 have been entered into pursuant to this section does not so
29 qualify, the court may order that the contract be terminated
30 on reasonable notice to the parties. The court shall not
31

1 require disgorgement of any moneys earned for goods or
2 services actually delivered or supplied.

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

5 Section 2. This act shall take effect upon becoming a
6 law.

7

8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 2248

10

11 Provides that administrative salaries and benefits may not
12 exceed 15 percent of revenues. Prohibits subcontracting.
13 Requires implementation of a drug-free workplace. Permits
14 Auditor General review. Clarifies that ss. 287.132 through
15 287.134, F.S., remain applicable.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31