

Committee Substitute for Senate Bill No. 2248

An act relating to charitable youth organizations; creating s. 255.60, F.S.; authorizing the state and its political subdivisions to contract with charitable youth organizations for certain public service work; providing for contracts and award limit; providing limitations; providing an effective date.

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.

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

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

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

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

(b) Payment must be production-based.

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

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

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

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

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

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

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

Approved by the Governor June 5, 2003.

Filed in Office Secretary of State June 5, 2003.