

By Senator Brodeur

9-01023A-22

2022912__

1 A bill to be entitled
2 An act relating to community-based care lead agency
3 expenditures; amending s. 409.992, F.S.; defining
4 terms; specifying a total compensation limit from
5 state-appropriated funds for certain employees of
6 community-based care lead agencies; revising persons
7 to whom the limit applies; requiring the Department of
8 Children and Families to include a certain provision
9 in contracts with a community-based care lead agency;
10 amending s. 409.996, F.S.; revising persons of whom
11 the department must publish certain compensation
12 information; defining the term "total compensation";
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (3) of section 409.992, Florida
18 Statutes, is amended, and subsection (5) is added to that
19 section, to read:

20 409.992 Lead agency expenditures.—

21 (3) (a) As used in this subsection, the term:

22 1. "Community-based care lead agency employee" means an
23 executive staff member of a community-based care lead agency,
24 including, but not limited to, the chief executive officer,
25 chief financial officer, or chief operating officer.

26 2. "Incentive payment" means a financial or nonmonetary
27 reward given to a person to recognize his or her performance
28 results or to motivate him or her to exceed performance
29 standards, rather than for time worked.

9-01023A-22

2022912__

30 3. "Total compensation" includes direct and indirect
31 salary, including base salary; bonuses; incentive payments;
32 cash-in leave; cash equivalents; severance pay; retirement
33 benefits; deferred compensation; real property gifts; any other
34 payout, such as additional leave, information technology
35 equipment, leased vehicles, or car allowances; access to private
36 donations or foundation funding or expense accounts; taxable
37 group-term life insurance coverage; supplemental paid time off;
38 or any other items that could be considered perquisites or
39 accruals of deferred amounts.

40 (b) Notwithstanding any other ~~provision of~~ law, a
41 community-based care lead agency ~~administrative~~ employee may not
42 receive total compensation from state-appropriated funds,
43 including state-appropriated federal funds, as a result of
44 employment with one or more community-based care lead agencies,
45 a community-based care lead agency and a managing entity, or a
46 community-based care lead agency and another state agency ~~a~~
47 salary, whether base pay or base pay combined with any bonus or
48 incentive payments, in excess of 150 percent of the annual
49 salary paid to the secretary of the Department of Children and
50 Families ~~from state-appropriated funds, including state-~~
51 ~~appropriated federal funds.~~

52 (c) This subsection does not prohibit any party from
53 providing cash that is not from appropriated state funds to a
54 community-based care lead agency ~~administrative~~ employee.

55 (5) Upon the execution of a new contract or in any
56 amendment to an existing contract with a community-based care
57 lead agency, the department shall include a provision for the
58 limitation on compensation specified in subsection (3).

9-01023A-22

2022912__

59 Section 2. Subsection (4) of section 409.996, Florida
60 Statutes, is amended to read:

61 409.996 Duties of the Department of Children and Families.—
62 The department shall contract for the delivery, administration,
63 or management of care for children in the child protection and
64 child welfare system. In doing so, the department retains
65 responsibility for the quality of contracted services and
66 programs and shall ensure that, at a minimum, services are
67 delivered in accordance with applicable federal and state
68 statutes and regulations and the performance standards and
69 metrics specified in the strategic plan created under s.
70 20.19(1).

71 (4) (a) The department shall collect and publish on its
72 website, and annually update, all of the following information
73 for each lead agency under contract with the department:

74 1. All compensation earned or awarded, whether paid or
75 accrued, regardless of contingency, by position, for any
76 employee, and any other person who is compensated through a
77 contract for services whose services include those commonly
78 associated with a chief executive, chief administrator, or other
79 chief officer of a business or corporation, who receives total
80 compensation from state-appropriated funds in excess of 150
81 percent of the annual salary paid to the secretary of the
82 department. For purposes of this paragraph, the term "employee"
83 has the same meaning as in s. 448.095, and the term "total
84 compensation" has the same meaning as in s. 409.992(3)(a).

85 2. All findings of the review under subsection (3).

86 (b) The department shall collect and publish on its
87 website, and update monthly, the information required under s.

9-01023A-22

2022912__

88 409.988(1)(k).

89 Section 3. This act shall take effect July 1, 2022.