

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.

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).

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
62 Families.—The department shall contract for the delivery,
63 administration, or management of care for children in the child
64 protection and child welfare system. In doing so, the department
65 retains responsibility for the quality of contracted services
66 and 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

HB 1301

2022

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.
88 | 409.988(1)(k).

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