

By Senator Webster

12-1210A-99

See HB 727

1 A bill to be entitled
2 An act relating to state contracts with
3 religious organizations; providing a
4 definition; authorizing certain agencies to
5 contract with religious organizations under
6 certain programs or allow religious
7 organizations to accept certificates, vouchers,
8 or other forms of disbursement under certain
9 programs; specifying eligibility of religious
10 organizations; providing certain protections
11 for religious organizations; authorizing
12 alternative provision of services and
13 disbursements under certain circumstances;
14 requiring certain agencies to prepare
15 implementation plans and submit the plans to
16 the Governor and the Legislature; providing an
17 effective date.

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19 WHEREAS, state government should engage Florida's
20 religious organizations to enhance care for the needy and fill
21 hollow hearts, and

22 WHEREAS, government must have qualities of the spirit,
23 and

24 WHEREAS, the federal Personal Responsibility and Work
25 Opportunity Reconciliation Act of 1996 specifically authorized
26 states to administer and provide services under specific
27 programs through contracts with charitable, religious, or
28 private organizations, and

29 WHEREAS, health care facilities operated by or
30 affiliated with religious organizations have been effective
31 partners in the provision of public health services for many

1 years without interfering with the religious liberties of
2 Floridians, and

3 WHEREAS, the Legislature intends to engage Florida's
4 churches, synagogues, other religious congregations, and
5 spiritual entrepreneurs to enhance care for the needy, NOW,
6 THEREFORE,

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

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10 Section 1. (1) For purposes of this act, "program"
11 means:

12 (a) Any state program funded under part A of Title IV
13 of the Social Security Act, as amended by section 103(a) of
14 Title I of the Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996, Pub. L. No. 104-193.

16 (b) Any other program established or modified under
17 Title I or Title II of the Personal Responsibility and Work
18 Opportunity Reconciliation Act of 1996 that permits contracts
19 with organizations or permits certificates, vouchers, or other
20 forms of disbursement to be provided to beneficiaries as a
21 means of providing assistance.

22 (c) Any other state program or policy initiative that
23 provides direct assistance to individuals or families.

24 (2) Any agency of this state or political subdivision
25 of this state may contract with religious organizations or
26 allow religious organizations to accept certificates,
27 vouchers, or other forms of disbursement under any program, on
28 the same basis as any other nongovernmental provider without
29 impairing the religious character of such organizations, and
30 without diminishing the religious freedom of beneficiaries of
31 assistance funded under such programs.

1 (3) Any religious organization is eligible as a
2 contractor, on the same basis as any other nongovernmental
3 organization, to provide assistance or to accept certificates,
4 vouchers, or other forms of disbursement under any program,
5 provided that a program identified under paragraph (1)(a) or
6 paragraph (1)(b) must permit a beneficiary to select an
7 organization which is not a religious organization as an
8 alternate provider of equivalent government benefit, or, if
9 alternate providers are not available, that the government
10 benefit is provided in a manner which does not impose a burden
11 upon the religious liberties of the beneficiary. Any agency
12 of this state or any political subdivision of this state
13 receiving funds under any program shall not discriminate
14 against any organization which is or applies to be a
15 contractor to provide assistance, or which accepts
16 certificates, vouchers, or other forms of disbursement, on the
17 basis that the organization has a religious character. The
18 value of disbursement received by any religious organization
19 under contracts governed by this section may not exceed the
20 greater of the value of assistance received by the beneficiary
21 or the actual direct and indirect costs incurred by such
22 organization in the delivery of the assistance provided by the
23 program.

24 (4)(a) A religious organization which has entered into
25 a contract with any agency of this state or any political
26 subdivision of this state under a program, or which accepts
27 certificates, vouchers, or other forms of disbursement
28 described in subsection (1), shall retain its independence
29 from state and local governments, including such
30 organization's control over the definition, development,
31 practice, and expression of its religious beliefs.

1 (b) An agency of this state or any political
2 subdivision of this state shall not require a religious
3 organization to alter its form of internal governance or
4 remove religious art, icons, scripture, or other symbols in
5 order to be eligible to contract to provide assistance, or to
6 accept certificates, vouchers, or other forms of disbursement,
7 funded under a program.

8 (5) If an individual, who receives, applies for, or
9 requests to apply for assistance under a program identified in
10 paragraph (1)(a) or paragraph (1)(b) from an agency of this
11 state or any political subdivision of this state, has an
12 objection to the religious character of the organization or
13 institution from which the individual receives, or would
14 receive, assistance funded under such program, unless the
15 assistance is provided in a manner which does not impose a
16 burden upon the religious liberties of the individual, the
17 agency administering the program shall provide such
18 individual, if otherwise eligible for such assistance, within
19 a reasonable period of time after the date of such objection,
20 with assistance from an alternative provider that is
21 accessible to the individual and the value of which is not
22 less than the value of assistance funded under the program
23 which the individual would have received from such
24 organization.

25 (6) Each agency which administers any program
26 described in this section shall prepare a plan to implement
27 this section and, no later than September 1, 1999, shall
28 submit a copy of the plan to the Governor, the President of
29 the Senate, and the Speaker of the House of Representatives.

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

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HOUSE SUMMARY

Authorizes state agencies to contract with religious organizations, or to allow religious organizations to accept certificates, vouchers, or other forms of disbursement, under federal programs funded or established for temporary assistance for needy families or supplemental security income by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, on the same basis as other nongovernmental providers without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such programs. Requires agencies administering such programs to prepare a plan to implement the act and submit a copy of the plan to the Governor and the Legislature.