

Bill No. SB 1504

Amendment No. ____

1 subdivisions be permitted to express hostility toward the free
2 exercise of religious liberties by Floridians. Further, the
3 Legislature intends that, whenever possible and reasonable,
4 the agencies and political subdivisions of the state engage
5 faith-based organizations to work collaboratively in the
6 delivery of services to Florida's citizens, consistent with
7 Florida and federal constitutional law.

8 (1) For purposes of this act, "program" means:

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

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

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

21 (2) Any agency or political subdivision of this state
22 continues to have the authority to contract with faith-based
23 organizations or to allow faith-based organizations to accept
24 certificates, warrants, or other forms of disbursement under
25 any program, on the same basis as any other nongovernmental
26 provider, without impairing the religious character of such
27 organizations. Any faith-based organization may act as a
28 subcontractor in the delivery of services under any program,
29 on the same basis as any other nongovernmental provider,
30 without impairing the religious character of such
31 organization.

Bill No. SB 1504

Amendment No. ____

1 (3) Each program to which this act is applicable shall
2 be operated in compliance with federal requirements applicable
3 to the particular program, and consistent with the
4 Establishment and Free Exercise Clauses of the United States
5 Constitution and s. 3, Art. I of the State Constitution.

6 (4) Any faith-based organization continues to be
7 eligible as a contractor or subcontractor, on the same basis
8 as any other nongovernmental organization, to provide
9 assistance or to accept certificates, warrants, or other forms
10 of disbursement under any program. Any agency of this state or
11 any political subdivision of this state receiving funds under
12 any program shall not discriminate against any organization
13 which is or applies to be a contractor to provide assistance,
14 or which accepts certificates, warrants, or other forms of
15 disbursement, on the basis that the organization has a
16 religious character.

17 (5)(a) A faith-based organization which has entered
18 into a contract with an agency or political subdivision of
19 this state, or which accepts certificates, warrants, or other
20 forms of disbursement described in subsection (1), shall
21 retain its independence from state and local governments, in
22 regard to the organization's control over the definition,
23 development, practice, and expression of its religious
24 beliefs. However, nothing in this act shall be construed to
25 create an exemption from the provisions of s.24, Article I of
26 the State Constitution with respect to any faith-based
27 organization that contracts with the state to provide services
28 or that accepts certificates, warrants or other forms of
29 disbursement under any program, and the provisions of chapter
30 119 and chapter 286 shall apply as appropriate.

31 (b) An agency or any political subdivision of this

Bill No. SB 1504

Amendment No. ____

1 state shall not require a faith-based organization to alter
2 its form of internal governance or remove religious art,
3 icons, scripture, or other symbols in order to be eligible to
4 contract to provide assistance, or to accept certificates,
5 warrants, or other forms of disbursement, funded under a
6 program.

7 (6) Each agency which administers any program
8 described in this section shall prepare a plan to implement
9 this section and, no later than September 1, 2000, shall
10 submit a copy of the plan to the Governor, the President of
11 the Senate, and the Speaker of the House of Representatives.

12 (7) Any contractor or provider that has received a
13 contract to provide services under any program may continue to
14 employ faith-based organizations as subcontractors on the same
15 basis as any other nongovernmental provider.

16 (8) Any agency that contracts with a faith-based or
17 community organization shall establish and include in the
18 contract, performance standards and other accountability
19 measures for all services delivered as part of the program.
20 The performance standards shall be established on the same
21 basis as those required of any other contractor,
22 subcontractor, provider, or the state. If the agency
23 determines that it is reasonable, the standards shall include,
24 but are not limited to, standards regarding service quality,
25 client satisfaction, cost efficiency, and fiscal
26 accountability. Faith-based and community organizations must
27 be given the same reasonable opportunity to achieve the
28 established standards as any other contractor, subcontractor,
29 provider, or the state. If a faith-based or community
30 organization fails to meet the appropriate performance
31 standards, the agency awarding the contract shall take any

Bill No. SB 1504

Amendment No. ____

1 appropriate action necessary to protect the interests of the
 2 state on the same basis as it would for any other contractor,
 3 subcontractor, provider, or the state. Such actions may
 4 include, but are not limited to, imposition of a requirement
 5 for corrective action, imposition of financial sanctions,
 6 notifications sent to the board of directors or other
 7 governing body, or termination of the contract. Except when
 8 an agency determines it is not reasonable, any agency that
 9 administers any program described in this section shall
 10 include in any client services contract a requirement that
 11 contractors or providers prepare plans describing their
 12 implementation of this section. Such plan shall include a
 13 disclosure of the administrative costs associated with the
 14 program or service to be provided. A failure to deliver such
 15 plans, if required, may be considered by the agency as a
 16 material breach of the contract that may result in
 17 cancellation of the contract.

18 (9) A faith-based or community-based organization
 19 shall establish a separate not-for-profit legal entity for the
 20 purpose of receiving public funds and for administration,
 21 record keeping, accounting and other necessary functions
 22 relating to the use of such funds.

23 (10) Task force; membership; duties.--

24 (a) The "Task Force on Florida Partnerships" is hereby
 25 created to serve through February 1, 2001. The task force
 26 shall consist of the following members:

27 1. Five members who are affiliated with a
 28 community-based or faith-based organization, to be appointed
 29 by the Governor.

30 2. Two members who are affiliated with a
 31 community-based or faith-based organization, to be appointed

Bill No. SB 1504

Amendment No. ____

1 by the President of the Senate.

2 3. Two members who are affiliated with a
3 community-based or faith-based organization, to be appointed
4 by the Speaker of the House of Representatives.

5 4. A representative from each of the Department of
6 Children and Family Services, the Department of Juvenile
7 Justice, the Department of Corrections, and the WAGES Board.

8 (b) The appointments shall be made no later than
9 September 1, 2000, and immediately reported to the Department
10 of Management Services.

11 (c) Each appointed member of the task force shall
12 serve at the pleasure of the appointing official. A vacancy on
13 the task force shall be immediately filled in the same manner
14 as the original appointment.

15 (d) The task force shall elect a chair from among its
16 members. A vacancy in the chair of the task force must be
17 filled for the remainder of the unexpired term by an election
18 of the task force members.

19 (e) The Department of Management Services shall
20 convene and facilitate the organizational meeting of the task
21 force on or before October 1, 2000. Thereafter, the task
22 force shall meet as necessary, at the call of the chair or at
23 the call of a quorum of the task force, and at the time and
24 place designated by the chair. Seven members of the task force
25 shall constitute a quorum and a quorum is required to conduct
26 official business of the task force. The task force shall use
27 accepted rules of procedure to conduct its meetings and shall
28 keep a complete record of each meeting.

29 (f) Members of the task force shall receive no
30 compensation for their services but shall be entitled to
31 receive from the Department of Management Services

Bill No. SB 1504

Amendment No. ____

1 reimbursement of per diem and travel expenses as provided in
2 s. 112.061, Florida Statutes.

3 (g) The Department of Management Services shall
4 provide staff for the task force.

5 (h) The task force shall review, for compliance with
6 the provisions of this act, the policies and procedures of
7 each agency of this state or agency of a political subdivision
8 of this state which administers any program. The task force
9 shall identify any barriers in the state's law, rules,
10 practices, or policies that may prevent a faith-based
11 organization from providing assistance under any program, and
12 recommend solutions to those barriers. The task force shall
13 act as an advisory body and shall make recommendations to the
14 Governor and the Legislature on a coordinated plan to carry
15 out the legislative intent of this act.

16 (i) The task force shall also evaluate the potential
17 usefulness of a statewide clearinghouse, district or regional
18 liaisons, or other mechanism that would provide information to
19 assist faith-based and other community-based organizations in
20 navigating the state procurement process and in obtaining
21 technical assistance from the appropriate agency of this
22 state, political subdivision or private organization.

23 (j) The task force shall issue a report to the
24 Legislature no later than February 1, 2001, summarizing its
25 findings, stating its conclusions, and proposing its
26 recommendations.

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

29
30
31

Bill No. SB 1504

Amendment No. ____

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6

A bill to be entitled

7

An act relating to state contracts with

8

faith-based organizations; providing intent;

9

providing a definition; reaffirming certain

10

agencies' authority to contract or subcontract

11

with faith-based organizations or allow

12

faith-based organizations to accept

13

certificates, warrants, or other forms of

14

disbursement; specifying eligibility of

15

faith-based organizations; providing certain

16

protections for faith-based organizations;

17

requiring accountability for state funds;

18

providing for access to meetings and records;

19

requiring faith-based organizations to form

20

non-profit organizations; requiring certain

21

agencies to prepare implementation plans and

22

submit the plans to the Governor and the

23

Legislature; creating the Task Force on Florida

24

Partnerships; providing membership; providing

25

duties; providing for per diem and travel;

26

providing for a report; providing an effective

27

date.

28

WHEREAS, state government should engage Florida's

29

faith-based organizations to enhance care for the needy and

30

fill hollow hearts, and

31

WHEREAS, government must have qualities of the spirit,

Bill No. SB 1504

Amendment No. ____

1 and

2 WHEREAS, the federal Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996 specifically authorized
4 states to administer and provide services under specific
5 programs through contracts with charitable, faith-based, or
6 private organizations, and

7 WHEREAS, health care facilities operated by or
8 affiliated with faith-based organizations have been effective
9 partners in the provision of public health services for many
10 years without interfering with the religious liberties of
11 Floridians, and

12 WHEREAS, the Legislature intends to engage Florida's
13 churches, synagogues, other religious congregations, and
14 spiritual entrepreneurs to enhance care for the needy, NOW,
15 THEREFORE,

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31