

By Senator Diaz-Balart

37-1002-00

1                                   A bill to be entitled  
2           An act relating to state contracts with  
3           faith-based organizations; providing intent;  
4           defining the term "program"; authorizing  
5           certain agencies to contract or subcontract  
6           with faith-based organizations under certain  
7           programs or allow faith-based organizations to  
8           accept certificates, warrants, or other forms  
9           of disbursement under certain programs,  
10          consistent with the U.S. Constitution and the  
11          State Constitution; specifying eligibility of  
12          faith-based organizations; providing certain  
13          protections for faith-based organizations;  
14          requiring certain agencies to prepare  
15          implementation plans and submit the plans to  
16          the Governor and the Legislature; creating the  
17          Task Force on Florida Partnerships; providing  
18          membership; providing duties; providing for per  
19          diem and travel; providing for a report;  
20          providing an effective date.

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22           WHEREAS, state government should engage Florida's  
23          faith-based organizations to enhance care for the needy and  
24          fill hollow hearts, and

25           WHEREAS, government must have qualities of the spirit,  
26          and

27           WHEREAS, the Federal Personal Responsibility and Work  
28          Opportunity Reconciliation Act of 1996 specifically authorized  
29          states to administer and provide services under specific  
30          programs through contracts with charitable, faith-based, or  
31          private organizations, and

1           WHEREAS, health care facilities operated by or  
2 affiliated with faith-based organizations have been effective  
3 partners in providing public health services for many years  
4 without interfering with the religious liberties of  
5 Floridians, and

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

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

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13           Section 1. Legislative intent.--The Legislature  
14 recognizes that many faith-based organizations have been  
15 successful at helping people to lead happier, more productive,  
16 and more successful lives, and that when this occurs the  
17 state, its communities, and people receive important benefits.  
18 Further, the Legislature recognizes that faith-based  
19 organizations have been particularly important to and  
20 effective in the delivery of essential services to the state's  
21 most vulnerable and needy people, both on a contract and  
22 voluntary basis, and that without this support many people  
23 would experience a much poorer quality of life. It is the  
24 Legislature's intent that neither state agencies nor political  
25 subdivisions of the state, either by action or inaction,  
26 impair any contributions to the common good, and that neither  
27 the state nor any of its agencies or political subdivisions be  
28 permitted to express hostility toward the free exercise of  
29 religious liberties by people in this state. Further, the  
30 Legislature intends that, whenever possible and reasonable,  
31 the agencies and political subdivisions of the state engage

1 faith-based organizations to work collaboratively in the  
2 delivery of services to people in this state, consistent with  
3 state and federal constitutional law.

4 Section 2. (1) As used in this act, the term  
5 "program" means:

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

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

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

18 (2) Any agency or political subdivision of this state  
19 may contract with faith-based organizations or allow  
20 faith-based organizations to accept certificates, warrants, or  
21 other forms of disbursement under any program, on the same  
22 basis as any other nongovernmental provider without impairing  
23 the religious character of the organizations. Any faith-based  
24 organization may act as a subcontractor in the delivery of  
25 services under any program on the same basis as any other  
26 nongovernmental provider without impairing the religious  
27 character of the organization. Each program to which this act  
28 is applicable must be operated in compliance with federal  
29 requirements applicable to the particular program and  
30 consistent with the Establishment Clause of the United States

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1 Constitution and Section 3 of Article I of the State  
2 Constitution.

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

14 (4)(a) A faith-based organization that has entered  
15 into a contract with an agency or political subdivision of  
16 this state, or that accepts certificates, warrants, or other  
17 forms of disbursement described in subsection (1), shall  
18 retain its independence from state and local governments,  
19 including the organization's control over the definition,  
20 development, practice, and expression of its religious  
21 beliefs.

22 (b) An agency or any political subdivision of this  
23 state may not require a faith-based organization to alter its  
24 form of internal governance or remove religious art, icons,  
25 scripture, or other symbols in order to be eligible to  
26 contract to provide assistance, or to accept certificates,  
27 warrants, or other forms of disbursement, funded under a  
28 program.

29 (5) Each agency that administers any program described  
30 in this section shall prepare a plan to implement this section  
31 and, no later than September 1, 2000, shall submit a copy of

1 the plan to the Governor, the President of the Senate, and the  
2 Speaker of the House of Representatives.

3 (6) Any contractor or provider that has received a  
4 contract to provide services under any program may employ  
5 faith-based organizations as subcontractors on the same basis  
6 as any other nongovernmental provider. Any agency that  
7 administers any program described in this section may include  
8 in any client services contract a requirement that contractors  
9 or providers prepare plans describing their implementation of  
10 this section. A failure to deliver such plans, if required,  
11 may be considered by the agency as a material breach of the  
12 contract which may result in cancellation of the contract.

13 (7)(a) The "Task Force on Florida Partnerships" is  
14 created to serve through February 1, 2001. The task force  
15 shall consist of the following members:

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

18 2. Two members who are affiliated with a community or  
19 faith-based organization, to be appointed by the President of  
20 the Senate.

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

24 4. One representative each from the Department of  
25 Children and Family Services, the Department of Juvenile  
26 Justice, the Department of Corrections, and the WAGES Board,  
27 to be appointed by the head of the agency.

28 (b) The appointments must be made no later than  
29 September 1, 2000, and immediately reported to the Department  
30 of Management Services.

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1           (c) Each appointed member of the task force shall  
2 serve at the pleasure of the appointing official. A vacancy on  
3 the task force shall be immediately filled in the same manner  
4 as the original appointment.

5           (d) The task force shall elect a chair from among its  
6 members. A vacancy in the chair of the task force must be  
7 filled for the remainder of the unexpired term by an election  
8 of the task force members.

9           (e) The Department of Management Services shall  
10 convene and facilitate the organizational meeting of the task  
11 force on or before October 1, 2000. Thereafter, the task  
12 force shall meet as necessary, at the call of the chair or at  
13 the call of a quorum of the task force, and at the time and  
14 place designated by the chair. A quorum is necessary for the  
15 purpose of conducting official business of the task force.  
16 Seven members of the task force constitute a quorum. The task  
17 force shall use accepted rules of procedure to conduct its  
18 meetings and shall keep a complete record of each meeting.

19           (f) Members of the task force shall receive no  
20 compensation for their services, but shall be entitled to  
21 receive from the Department of Management Services  
22 reimbursement of per diem and travel expenses as provided in  
23 s. 112.061.

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

26           (h) The task force shall review, for compliance with  
27 the provisions of this act, the policies and procedures of  
28 each agency of this state or agency of a political subdivision  
29 of this state which administers any program. The task force  
30 shall identify any barriers in state laws, rules, or policies  
31 that may prevent a faith-based organization from providing

1 assistance under any program, and recommend solutions to those  
2 barriers. The task force shall act as an advisory body and  
3 shall make recommendations to the Governor and the Legislature  
4 on a coordinated plan to carry out the legislative intent of  
5 this act.

6 (i) The task force shall also evaluate the potential  
7 usefulness of a statewide clearinghouse, district or regional  
8 liaisons, or other mechanism that would provide information to  
9 assist faith-based and other community-based organizations in  
10 navigating the state procurement process.

11 (j) The task force shall issue a report to the  
12 Legislature no later than February 1, 2001, summarizing its  
13 findings, stating its conclusions, and proposing its  
14 recommendations.

15 Section 3. This act shall take effect upon becoming a  
16 law.

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19 SENATE SUMMARY

20 Authorizes any faith-based organization to contract with  
21 the state or any of its political subdivisions to provide  
22 assistance under specified federal and state programs for  
23 needy individuals and families. Requires the preparation  
24 of implementation plans and the submission of plans to  
the Governor and the Legislature. Creates the Task Force  
on Florida Partnerships and provides for its membership  
and duties. Requires the task force to report to the  
Legislature by February 1, 2001.