

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Byrd offered the following:

**Amendment (with title amendment)**

On page 2, line 11

remove everything after the enacting clause:

and insert in lieu thereof:

Section 1. Legislative intent.--The Legislature recognizes that many faith-based organizations have been successful at helping people to lead happier, more productive, and more successful lives, and that when this occurs the state, its communities, and its citizens receive important benefits. Further, the Legislature recognizes that faith-based organizations have been particularly important to and effective in the delivery of essential services to Florida's most vulnerable and needy citizens, both on a contract and voluntary basis, and that without such support many citizens would experience a much poorer quality of life. It is the Legislature's intent that neither state agencies nor political subdivisions of the state, either by action or inaction, impair such contributions to the common good, and

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1 that neither the state nor any of its agencies or political  
2 subdivisions be permitted to express hostility toward the free  
3 exercise of religious liberties by Floridians. Further, the  
4 Legislature intends that, whenever possible and reasonable,  
5 the agencies and political subdivisions of the state engage  
6 faith-based organizations to work collaboratively in the  
7 delivery of services to Florida's citizens, consistent with  
8 Florida and federal constitutional law.

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

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

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

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

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

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1 organization.

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

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

18 (5)(a) A faith-based organization which has entered  
19 into a contract with an agency or political subdivision of  
20 this state, or which accepts certificates, warrants, or other  
21 forms of disbursement described in subsection (1), shall  
22 retain its independence from state and local governments, in  
23 regard to the organization's control over the definition,  
24 development, practice, and expression of its religious  
25 beliefs. However, nothing in this act shall be construed to  
26 create an exemption from the provisions of s.24, Article I of  
27 the State Constitution with respect to any faith-based  
28 organization that contracts with the state to provide services  
29 or that accepts certificates, warrants or other forms of  
30 disbursement under any program, and the provisions of chapter  
31 119 and chapter 286 shall apply as appropriate.

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

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

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

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

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

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

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

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

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

31 2. Two members who are affiliated with a

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1 community-based or faith-based organization, to be appointed  
2 by the President of the Senate.

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

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

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

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

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

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

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

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1 receive from the Department of Management Services  
2 reimbursement of per diem and travel expenses as provided in  
3 s. 112.061, Florida Statutes.

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

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

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

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

28 Section 2. This act shall take effect upon becoming a  
29 law.  
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page ,  
4 remove from the title of the bill:

5  
6 and insert in lieu thereof:

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,



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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,

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