

By Representative Byrd

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, warrants,
 8 or other forms of disbursement under certain
 9 programs; specifying eligibility of religious
 10 organizations; providing certain protections
 11 for religious organizations; requiring certain
 12 agencies to prepare implementation plans and
 13 submit the plans to the Governor and the
 14 Legislature; creating the Religious
 15 Organization Contractor Implementation Task
 16 Force; providing membership; providing duties;
 17 providing for a report; providing an effective
 18 date.

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

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

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

30 WHEREAS, health care facilities operated by or
 31 affiliated with religious organizations have been effective

1 partners in the provision of public health services for many
2 years without interfering with the religious liberties of
3 Floridians, and

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

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

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

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

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

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

25 (2) Any agency of this state or political subdivision
26 of this state may contract with religious organizations or
27 allow religious organizations to accept certificates,
28 warrants, or other forms of disbursement under any program, on
29 the same basis as any other nongovernmental provider without
30 impairing the religious character of such organizations. Each
31 program to which this act is applicable shall be operated in

1 compliance with federal requirements applicable to the
2 particular program.

3 (3) Any religious organization is eligible as a
4 contractor, on the same basis as any other nongovernmental
5 organization, to provide assistance or to accept certificates,
6 warrants, or other forms of disbursement under any program.

7 Any agency of this state or any political subdivision of this
8 state receiving funds under any program shall not discriminate
9 against any organization which is or applies to be a
10 contractor to provide assistance, or which accepts
11 certificates, warrants, or other forms of disbursement, on the
12 basis that the organization has a religious character.

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

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

28 (5) Each agency which administers any program
29 described in this section shall prepare a plan to implement
30 this section and, no later than September 1, 2000, shall
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1 submit a copy of the plan to the Governor, the President of
2 the Senate, and the Speaker of the House of Representatives.

3 (6) Task force; membership; duties.--

4 (a) The "Religious Organization Contractor
5 Implementation Task Force" is hereby created to serve through
6 February 1, 2001. The task force shall consist of the
7 following members:

8 1. Two members to be appointed by the Governor.

9 2. Two members of the Senate, or their designees, to
10 be appointed by the President of the Senate.

11 3. Two members of the House of Representatives, or
12 their designees, to be appointed by the Speaker of the House
13 of Representatives.

14 4. The Auditor General or his or her designee.

15 5. The Comptroller or the Comptroller's designee.

16 6. The Secretary of Management Services or the
17 secretary's designee.

18 7. A representative from each of the Agency for Health
19 Care Administration, the Department of Children and Family
20 Services, the Department of Corrections, the Department of
21 Elderly Affairs, the Department of Health, the Department of
22 Juvenile Justice, and the Department of Labor and Employment
23 Security.

24 (b) Each appointed member of the task force shall
25 serve at the pleasure of the appointing official. A vacancy on
26 the task force shall be filled in the same manner as the
27 original appointment.

28 (c) The task force shall elect a chair from among its
29 members. A vacancy in the chair of the task force must be
30 filled for the remainder of the unexpired term by an election
31 of the task force members.

1 (d) The task force shall meet as necessary, at the
2 call of the chair or at the call of a quorum of the task
3 force, and at the time and place designated by the chair. A
4 quorum is necessary for the purpose of conducting official
5 business of the task force. Six members of the task force
6 shall constitute a quorum. The task force shall use accepted
7 rules of procedure to conduct its meetings and shall keep a
8 complete record of each meeting.

9 (e) Members of the task force shall receive no
10 compensation for their services, but shall be entitled to
11 receive per diem and travel expenses as provided in s.
12 112.061, Florida Statutes.

13 (f) The task force shall review, for compliance with
14 the provisions of this act, the policies and procedures of
15 each agency of this state or agency of a political subdivision
16 of this state which administers any program. The task force
17 shall act as an advisory body and shall make recommendations
18 to the Governor and the Legislature on a coordinated plan to
19 carry out the legislative intent of this act.

20 (g) The task force shall issue a report to the
21 Legislature no later than February 1, 2001, summarizing its
22 findings, stating its conclusions, and proposing its
23 recommendations.

24 Section 2. This act shall take effect upon becoming a
25 law.

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HOUSE SUMMARY

Authorizes state agencies to contract with religious organizations, or to allow religious organizations to accept certificates, warrants, 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. Establishes the Religious Organization Contractor Implementation Task Force.