

By Representative Byrd

1 A bill to be entitled
2 An act relating to state contracts with
3 faith-based organizations; providing intent;
4 providing a definition; authorizing certain
5 agencies to contract or subcontract with
6 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 under
10 certain circumstances; specifying eligibility
11 of faith-based organizations; providing certain
12 protections for faith-based organizations;
13 requiring certain agencies to prepare
14 implementation plans and submit the plans to
15 the Governor and the Legislature; creating the
16 Task Force on Florida Partnerships; providing
17 membership; providing duties; providing for per
18 diem and travel; providing for a report;
19 providing an effective date.

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

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

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

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1 WHEREAS, health care facilities operated by or
2 affiliated with faith-based organizations have been effective
3 partners in the provision of public health services for many
4 years 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 its citizens receive important
18 benefits. Further, the Legislature recognizes that
19 faith-based organizations have been particularly important to
20 and effective in the delivery of essential services to
21 Florida's most vulnerable and needy citizens, both on a
22 contract and voluntary basis, and that without such support
23 many citizens would experience a much poorer quality of life.
24 It is the Legislature's intent that neither state agencies nor
25 political subdivisions of the state, either by action or
26 inaction, impair such contributions to the common good, and
27 that neither the state nor any of its agencies or political
28 subdivisions be permitted to express hostility toward the free
29 exercise of religious liberties by Floridians. 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 Florida's citizens, consistent with
3 Florida and federal constitutional law.

4 Section 2. (1) For purposes of this act, "program"
5 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 such organizations. Any
24 faith-based organization may act as a subcontractor in the
25 delivery of services under any program, on the same basis as
26 any other nongovernmental provider, without impairing the
27 religious character of such organization. Each program to
28 which this act is applicable shall be operated in compliance
29 with federal requirements applicable to the particular
30 program, and consistent with the Establishment Clause of the
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1 United States Constitution and s. 3, Art. 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 which is or
10 applies to be a contractor to provide assistance, or which
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 which has entered
15 into a contract with an agency or political subdivision of
16 this state, or which 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 such 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 shall not require a faith-based organization to alter
24 its form of internal governance or remove religious art,
25 icons, 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 which administers any program
30 described in this section shall prepare a plan to implement
31 this section and, no later than September 1, 2001, shall

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) 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 that may result in cancellation of the contract.

13 (7) Task force; membership; duties.--

14 (a) The "Task Force on Florida Partnerships" is hereby
15 created to serve through February 1, 2002. The task force
16 shall consist of the following members:

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

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

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

26 4. A representative from each of the Department of
27 Children and Family Services, the Department of Juvenile
28 Justice, the Department of Corrections, and the WAGES Board.

29 (b) The appointments shall be made no later than
30 September 1, 2001, and immediately reported to the Department
31 of Management Services.

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, 2001. 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. Seven members of the task force
15 shall constitute a quorum and a quorum is required to conduct
16 official business of the task force. The task force shall use
17 accepted rules of procedure to conduct its meetings and shall
18 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, Florida Statutes.

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 the state's law, rules, or
31 policies that may prevent a faith-based organization from

1 providing assistance under any program, and recommend
2 solutions to those barriers. The task force shall act as an
3 advisory body and shall make recommendations to the Governor
4 and the Legislature on a coordinated plan to carry out the
5 legislative intent of 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, 2002, 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 HOUSE SUMMARY

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21 Authorizes state agencies to contract with faith-based
22 organizations, or to allow faith-based organizations to
23 accept certificates, warrants, or other forms of
24 disbursement, under federal programs funded or
25 established for temporary assistance for needy families
26 or supplemental security income by the Personal
27 Responsibility and Work Opportunity Reconciliation Act of
28 1996, on the same basis as other nongovernmental
29 providers without impairing the faith-based character of
30 such organizations, and without diminishing the freedom
31 of faith 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 Task Force on Florida Partnerships.