

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

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Council for Smarter Government offered the following:

Amendment (with title amendment)

On page 40, line 25,
remove from the bill: said line

and insert in lieu thereof:

Section 22. 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 Section 23. (1) For purposes of this act, "program"
10 means:

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

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

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

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

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1 without impairing the religious character of such
2 organization. Each program to which this act is applicable
3 shall be operated in compliance with federal requirements
4 applicable to the particular program, and consistent with the
5 Establishment Clause of the United States Constitution and s.
6 3, Art. I of the State Constitution.

7 (3) 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 (4)(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.

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

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1 program.

2 (5) Each agency which administers any program
3 described in this section shall prepare a plan to implement
4 this section and, no later than September 1, 2001, shall
5 submit a copy of the plan to the Governor, the President of
6 the Senate, and the Speaker of the House of Representatives.

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

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

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

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

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

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

30 4. A representative from each of the Department of
31 Children and Family Services, the Department of Juvenile

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1 Justice, the Department of Corrections, and the WAGES Board.

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

5 (c) Each appointed member of the task force shall
6 serve at the pleasure of the appointing official. A vacancy on
7 the task force shall be immediately filled in the same manner
8 as the original appointment.

9 (d) The task force shall elect a chair from among its
10 members. A vacancy in the chair of the task force must be
11 filled for the remainder of the unexpired term by an election
12 of the task force members.

13 (e) The Department of Management Services shall
14 convene and facilitate the organizational meeting of the task
15 force on or before October 1, 2001. Thereafter, the task
16 force shall meet as necessary, at the call of the chair or at
17 the call of a quorum of the task force, and at the time and
18 place designated by the chair. Seven members of the task force
19 shall constitute a quorum and a quorum is required to conduct
20 official business of the task force. The task force shall use
21 accepted rules of procedure to conduct its meetings and shall
22 keep a complete record of each meeting.

23 (f) Members of the task force shall receive no
24 compensation for their services but shall be entitled to
25 receive from the Department of Management Services
26 reimbursement of per diem and travel expenses as provided in
27 s. 112.061, Florida Statutes.

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

30 (h) The task force shall review, for compliance with
31 the provisions of this act, the policies and procedures of

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1 each agency of this state or agency of a political subdivision
 2 of this state which administers any program. The task force
 3 shall identify any barriers in the state's law, rules, or
 4 policies that may prevent a faith-based organization from
 5 providing assistance under any program, and recommend
 6 solutions to those barriers. The task force shall act as an
 7 advisory body and shall make recommendations to the Governor
 8 and the Legislature on a coordinated plan to carry out the
 9 legislative intent of this act.

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

15 (j) The task force shall issue a report to the
 16 Legislature no later than February 1, 2002, summarizing its
 17 findings, stating its conclusions, and proposing its
 18 recommendations.

19 Section 24. This act shall take effect July 1, 2001.
 20
 21

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

23 And the title is amended as follows:

24 On page 3, line 23,
 25 remove from the title of the bill: providing an effective
 26 date.

27
 28 and insert in lieu thereof:

29 providing intent; providing a definition;
 30 reaffirming certain agencies' authority to
 31 contract or subcontract with faith-based

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1 organizations or allow faith-based
2 organizations to accept certificates, warrants,
3 or other forms of disbursement; specifying
4 eligibility of faith-based organizations;
5 providing certain protections for faith-based
6 organizations; requiring certain agencies to
7 prepare implementation plans and submit the
8 plans to the Governor and the Legislature;
9 creating the Task Force on Florida
10 Partnerships; providing membership; providing
11 duties; providing for per diem and travel;
12 providing for a report; providing an effective
13 date.

14
15 WHEREAS, the Task Force on Victims of Self-Inflicted
16 Crimes, as created by chapter 2000-366, Laws of Florida,
17 identified in its report issued January 18, 2001, a wide
18 variety of potential legislative solutions for reducing the
19 repetitious self-injurious behavior of prostitution and
20 substance abuse, and

21 WHEREAS, those recommendations stemmed from the
22 testimony from numerous individuals, substance abuse experts,
23 governmental officials, and private organizations throughout
24 Florida, and

25 WHEREAS, a significant recommendation made by the task
26 force was recognition that state government should not and
27 cannot bear the sole burden of treating and helping those
28 suffering from addictions and self-injurious behaviors, and

29 WHEREAS, the task force concluded that faith-based
30 organizations are "armies of compassion" devoted to changing
31 individuals' hearts and lives and can offer cost-effective

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1 substance abuse treatment through the use of volunteers and
2 other cost-saving measures, and

3 WHEREAS, the task force concluded that inmates with
4 histories of substance abuse will most likely return to prison
5 without transition assistance and postrelease supervision,
6 coupled with treatment and job placement, and

7 WHEREAS, research has proven that "one-on-one" private
8 and faith-based programming is often more effective than
9 government programs in shaping and reclaiming lives because
10 they are free to assert the essential connection between
11 responsibility and human dignity; their approach is personal,
12 not bureaucratic; their service is not primarily a function of
13 professional background, but of individual commitment; and
14 they inject an element of moral challenge and spiritual
15 renewal that government cannot duplicate, and

16 WHEREAS, a study required by chapter 97-78, Laws of
17 Florida, to measure the effectiveness of faith-based programs
18 in Florida's correctional facilities found a strong and
19 beneficial correlation between faith-based programming and
20 remaining crime free and drug free upon release, and

21 WHEREAS, the Department of Corrections employs 105
22 prison chaplains who are responsible for addressing the
23 religious and spiritual needs of over 71,000 inmates; for
24 developing community linkages with churches, synagogues,
25 mosques, and other faith-based institutions; and for
26 recruiting and supervising volunteers who come into Florida's
27 prisons to provide spiritual programs, mentoring activities,
28 and other transitional skills, and

29 WHEREAS, the continued investment in the work of prison
30 chaplains and their clerical staff is a critical factor for
31 strengthening volunteer participation and support of

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1 faith-based programs in the prisons, as recognized by an
2 academic study in 1997 entitled "The Report of Faith-Based
3 Programs in Correctional Facilities," and

4 WHEREAS, the task force recommended that the
5 Legislature fund faith-based substance abuse recovery programs
6 and transitional assistance for the secular purpose of
7 reducing recidivism, and

8 WHEREAS, in an effort to transform lives and break the
9 personally destructive and expensive recidivism cycle, Florida
10 should increase the number of chaplains who strengthen
11 volunteer participation; expand the pilot dormitory program
12 started in November 1999; and implement a strong transitional
13 assistance residential program that includes a voluntary faith
14 component that supports inmates as they reenter communities,
15 and

16 WHEREAS, state government should engage Florida's
17 faith-based organizations to enhance care for the needy and
18 fill hollow hearts, and

19 WHEREAS, government must have qualities of the spirit,
20 and

21 WHEREAS, the federal Personal Responsibility and Work
22 Opportunity Reconciliation Act of 1996 specifically authorized
23 states to administer and provide services under specific
24 programs through contracts with charitable, faith-based, or
25 private organizations, and

26 WHEREAS, health care facilities operated by or
27 affiliated with faith-based organizations have been effective
28 partners in the provision of public health services for many
29 years without interfering with the religious liberties of
30 Floridians, and

31 WHEREAS, the Legislature intends to engage Florida's

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1 churches, synagogues, other religious congregations, and
2 spiritual entrepreneurs to enhance care for the needy, NOW,
3 THEREFORE,
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