

Amendment No. \_\_\_\_ (for drafter's use only)

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

11 Representative(s) Gottlieb and Bucher offered the following:

**Amendment (with title amendment)**

14 On page 29, line 1 through page 30, line 26  
15 remove from the bill: all of said lines

17 insert:

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

29 (4) Each program to which this act is applicable shall  
30 be operated in compliance with federal requirements applicable  
31 to the particular program, and consistent with the

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1 Establishment and Free Exercise Clauses of the United States  
2 Constitution and s. 3, Art. I of the State Constitution.

3 (5) As a requirement for eligibility as a contractor,  
4 subcontractor or provider, any faith-based organization shall  
5 provide services through a non-profit corporate which is "not  
6 pervasively sectarian."

7 (6) 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 (7)(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           (8) 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, 2001, 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           (9) 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           (10) 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 (11) Any contractor or provider receiving state funds  
20 shall have established a separate 501(c)(3) organization for  
21 the purposes of receiving such funds and for administration,  
22 record keeping, accounting and other necessary functions  
23 relating to the usage of such funds.

24 (12) This section is repealed on July 1, 2002.  
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