

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Governmental Oversight and Productivity Committee

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BILL: CS/SB 2256

SPONSOR: Governmental Oversight and Productivity Committee and Senator Wise

SUBJECT: Florida Faith-Based Advisory Board

DATE: April 26, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The bill codifies in statute the Faith-Based Advisory Board created through Executive Order 04-425, issued November 18, 2004. The 25- member Board is assigned to the Executive Office of the Governor and will provide advice on the development of broadly based secular and faith-based engagement in the delivery of important state services.

This bill creates section 14.31, Florida Statutes.

## II. Present Situation:

State government has increasingly relied upon contract vendors for the delivery of public services. More than forty percent of the current fiscal year state budget is comprised of special category appropriations. That category is used to distribute funds to public and private entities for direct service provision. The largest single expenditure item within this category in Medicaid, the federal and state funded program of primary and secondary health care services for low-income, elderly and disabled populations.

Recent state and federal actions have prompted a re-examination of the use of religious organizations for the delivery of public services. Public Law 104-193, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," expanded the role of faith-based organizations in direct service delivery. States were authorized under s. 104 of the act to contract with charitable, religious, and private organizations for services provided no funds were directed toward sectarian worship, instruction, or proselytization. Article I, s. 3, State Constitution provides in part that ". . . no revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." Concurrent actions

in the state of Florida, with particular reference to the Department of Corrections and its faith-based programming at Lawtey Correctional Institution, have produced renewed interest in expanding the supply of contract vendors in the hopes of reaching underserved or unserved populations that otherwise qualify for public service or intervention.

On November 18, 2004, Governor Bush issued Executive Order 04-245 creating a 25- member Florida Faith-Based and Community Advisory Board with a continuous existence through December 31, 2006. The advisory board complemented the statutory objectives of P.L. 104-193 by stating in its first section that its existence would “. . . help state government coordinate efforts to utilize and expand opportunities for faith-based and community-based organizations to address social needs in Florida’s communities.”

### III. Effect of Proposed Changes:

**Section 1.** Section 14.31, F.S., is created to create the Florida Faith-based and Community-based Advisory Board. Subsections (1) and (2) provide statements of legislative intent to recognize and foster the contributions of faith- and community-based organizations in the provision of services to vulnerable citizens and debilitated neighborhoods.

Subsection (3) and (4) create a 25-member Advisory Board to be located in the executive Office of the Governor and configure its internal operations. The Governor appoints 17 of the members with the remaining eight equally appointed by the President of the Senate and the Speaker of the House of Representatives. The board is directed to meet at least once per quarter and may notice and hold its meetings electronically and through teleconferencing.

Subsection (5) defines the scope of the board activities. Among the salient duties of the board are a determination of the coordination of community outreach organizations to achieve common objectives; the identification and promotion of best practices; the encouragement of charitable giving; the development of strategic initiatives for the strengthening of families and communities; ensuring the achievement of performance-based criteria; and the elimination of unnecessary governmental barriers that impede solutions.

Subsection (6) precludes the board from making any recommendations that conflict with either federal restrictions contained in the Establishment Clause or state constitution restrictions on impermissible financial assistance.

Subsection (7) requires the submission of an annual report of activities by February 1.

Subsection (8) repeals the enacting section and abolishes the Board effective June 30, 2010, unless otherwise saved from repeal.

**Section 2.** The act takes effect July 1, 2005.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

The proper term for the description of an advisory panel is “Council” rather than “Board.”

**VII. Related Issues:**

The Legislature has appropriated funds to religious organizations for many years in their capacity as contract vendors for the provision of community-based services. In many parts of Florida, the Salvation Army acts as a contract vendor for the delivery of misdemeanor probation supervision services, following discontinuance as a directly delivered state agency service. Many religious and secular organizations participate in the State Employees’ Charitable Campaign, named in s. 110.181, F.S., as the only statutorily recognized state employee charitable donation program.

One of the duties of the board is to determine “How best to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective faith-based and other community efforts to address social problems.”



## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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