

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 599 CS

Florida Faith-based and Community-based Advisory Council

SPONSOR(S): Cannon and others

TIED BILLS: None.

IDEN./SIM. BILLS: CS/SB 1232

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Future of Florida's Families Committee</u>	<u>6 Y, 1 N</u>	<u>Preston</u>	<u>Shaw Collins</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u>13 Y, 1 N</u>	<u>McAuliffe</u>	<u>Gordon</u>
3) <u>Health & Families Council</u>	<u>6 Y, 2 N, w/CS</u>	<u>Preston</u>	<u>Moore</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill statutorily establishes the Florida Faith-based and Community-based Advisory Council (council) which was created by Executive Order of the Governor in November 2004 (Number 04-245). The bill provides for the council to be administratively housed within the Executive Office of the Governor. The council is to consist of 25 members: 17 appointed by the Governor; four appointed by the President of the Senate; and four appointed by the Speaker of the House of Representatives. Members are appointed for four year terms, with the initial terms being staggered. The council must meet at least once per quarter per calendar year.

The bill specifies the activities of the council, and requires an annual report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives that documents the council's activities and recommended policies, priorities, and objectives for the state's effort to facilitate the involvement of faith-based, volunteer, and other community-based organizations.

The council is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or Article I, section 3 of the State Constitution, and is abolished June 30, 2011, unless reviewed and recreated by the Legislature.

There may be an insignificant fiscal impact related to state government from the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – Members of the council may include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities. Serving on the advisory council will create additional responsibilities, obligations, and work for these individuals.

B. EFFECT OF PROPOSED CHANGES:

Background

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 proselytizing. Article I, section 3, of the State Constitution, provides in part that “[n]o 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, 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 un-served populations that otherwise qualify for public service or intervention.

The National Conference of State Legislatures (NCSL) conducted a survey of state faith-based initiatives in all 50 states in early 2002 and reported that states that have implemented faith-based initiatives started with the creation of an office of faith-based initiatives or a state liaison for faith-based and community leaders.¹

In November 2004, Governor Bush signed an Executive Order² creating a faith-based and community advisory board. The board’s mission is to 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. The 25-member, Governor-appointed board serves as a policy advisor to the Governor on policies, priorities, and objectives for the state’s comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations to the full extent permitted by law.

Effect of Proposed Changes

The bill codifies the existing advisory entity created by Executive Order Number 04-245. The council is established in statute and assigned to the Executive Office of the Governor. The bill provides that the purpose of the council is to advise the Governor and the Legislature on policies, priorities, and objectives for the state’s comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations.

The bill provides that the council is administratively housed within the Executive Office of the Governor. The council is to consist of 25 members, with 17 appointed by the Governor; four appointed by the

¹ Jarchow, C. Faith-Based Initiatives in Welfare Reform. National Conference of State Legislatures. May 2002.

² Executive Order No. 04-245, November 18, 2004.

President of the Senate; and four appointed by the Speaker of the House of Representatives. Members are appointed for four year terms, with the initial terms being staggered. The council must meet at least once per quarter per calendar year.

The activities of the council are specified and an annual report is required to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives that contains an accounting of the council's activities and recommended policies, priorities, and objectives for the state's effort to facilitate the involvement of faith-based, volunteer, and other community-based organizations in service provision.

The council is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or Article I, section 3 of the State Constitution and is abolished June 30, 2011, unless reviewed and saved from repeal by the Legislature.

C. SECTION DIRECTORY:

Section 1. Creates s. 14.31, F.S., relating to the Florida Faith-based and Community-based Advisory Council.

Section 2. Provides for an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Members of the council are not entitled to compensation for their service, but may be reimbursed for per diem and travel expenses pursuant to section 112.061, Florida Statutes.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The bill contains no appropriation for the implementation of the provisions of this bill; however, the Executive Office of the Governor states the costs related to the administration and expenses of the council could be addressed with current resources. Currently, the advisory body created by Executive Order is being funded by private sources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill codifies an existing Governor-appointed advisory body that was created in November 2004, by Executive Order of the Governor to 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. The bill does not specify how the transition from a 25-member Governor-appointed board to the newly-created 25-member council with a membership appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, will occur.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 10, 2006, the Health and Families Council adopted one amendment which changes the name of the newly created Florida Faith-based and Community-based Advisory Board to the Florida Faith-based and Community-based Advisory Council. The amendment also removes a reference to a private corporation that is not created or authorized in statute.

The bill was reported favorably as a council substitute.