

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 837 Faith-Based Initiative
SPONSOR(S): Peterman
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families	16 Y, 0 N w/CS	Preston	Liem
2) Appropriations			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill creates the Florida Faith-Based Initiative to be administered by the Florida Families Faith-Based Institute, Inc. The bill provides for duties of the Initiative which include leveraging state funding with federal funding to support faith-based activities and serving as the liaison to the Centers for Faith-Based and Community Initiatives established within the United States Department of Justice, the United States Department of Health and Human Services, the United States Department of Education and other federal agencies.

The bill has a fiscal impact of \$700,000.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0837a.fff.doc
DATE: March 19, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Faith Based Initiatives

The term "faith-based organization" generally is an umbrella term which means an organization owned by, operated by or affiliated with a religious institution; an organization motivated by faith; or an organization which incorporates religion in its activities in any way. The term is applied to a range of organizational forms including houses of worship as well as non-profit corporations.

Faith-based organizations have long been a vitally important part of the social services delivery system. Religious organizations feed, clothe and shelter the needy; provide emergency assistance to communities in times of disaster; provide counseling; provide job training; and provide assistance with social service delivery to individuals and the families of individuals incarcerated in the correctional system.

There has for some time been a debate as to the proper role of government in facilitating delivery of human services by faith-based organizations. According to the White House Office of Faith-Based and Community Initiatives:

"Too often the government has ignored or impeded the efforts of faith-based and community organizations. Their compassionate efforts to improve their communities have been needlessly and improperly inhibited by bureaucratic red tape and restrictions placed on funding."

People who care deeply about religious liberty and the provision of effective social services, and those who feel that government has supplanted and interfered with the traditional role of religious charity, disagree about the wisdom of allowing government to deliver social services via faith-based organizations. Concerns are, among others, that the flow of government into religiously-affiliated organizations will open the door to government advancement of religion, excessive government entanglement with religion, government support of religious discrimination, and a general weakening of religious autonomy.

Likewise many faith-based organizations are concerned that government funding may come with unacceptable conditions which will produce government meddling in internal affairs; unacceptable changes in their character and mission, such as restriction on use of religious symbols and art; or diversion of scarce resources from charitable activities to administrative functions. There is concern among policy analysts that faith-based organizations may see their missions shifting, their religious character lost, and the very things that made them so successful destroyed. According to the Cato Institute:

“In the end....[the] proposal may transform private charities from institutions that change people’s lives to mere providers of services, little more than a government program in a clerical collar.”

House Bill 837 provides for the creation of the Florida Faith-Based Initiative to be administered by the Florida Families Faith-Based Institute, Inc. The bill states that the Institute is a 501(c)(3) not-for-profit Florida corporation which is not to be a unit or entity of state government. The duties of the Initiative include:

- examining barriers to the provision of services by faith-based organizations;
- providing programmatic and managerial training, as well as technical assistance to faith-based organizations seeking state or federal funds for service provision;
- establishing a statewide resource center and clearinghouse;
- serving as a fiscal intermediary for faith-based and community-based organizations that receive state funding;
- leveraging state funding with federal funding;
- providing goals and criteria to provide accountability for the services provided by faith-based organizations; and
- serving as the liaison to specified federal agencies.

C. SECTION DIRECTORY:

Section 1. Provides for the creation of the Florida Faith-Based Initiative and specifies the duties of the Initiative.

Section 2. Notwithstanding ss 216.181 and 216.292, Florida Statutes, and pursuant to s 216.351, Florida Statutes, provides for an appropriation of \$700,000 to the Florida Families Faith-Based Institute, Inc. for purposes of administering the Florida Faith-Based Initiative.

Section 3. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: The bill contains a \$700,000 appropriation.

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 appropriates \$700,000 to the Institute, notwithstanding ss. 216.181 and 216.292 F.S., and pursuant to s. 216.351, F.S. Section 216.181, F.S., pertains to operating budgets and approval of amendments of state agency operating budgets by the Legislative Budget Commission and the Governor; s. 216.292, F.S., pertains to use of funds by state agencies and limitations on transfer of funds within or between state agencies, and limitations on use of funds appropriated for specific purposes to those purposes. Section 216.351, F.S., provides that subsequent inconsistent laws superseding the requirements of ch. 216, F.S., must specifically reference to this section.

E.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not Applicable.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the Division of Corporations in the Department of State, there is not a corporation entitled The Florida Families Faith-Based Institute, Inc. The bill does not create the Florida Families Faith-Based Institute, although the bill requires this entity to administer the initiative and appropriates funds to this entity.

Additionally, the bill does not provide for the appointment of a board of directors to manage and operate the Florida Families Faith-Based Institute, Inc.

The bill uses the term "competition-based barrier," but does not define it. Removal of the words "competition-based" would broaden the duties of the Initiative to examining all barriers to provision of state and federally funded services by faith-based organizations.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 18, 2003 the Committee on the Future of Florida's Families adopted the following amendments:

Amendment 1. Removed a requirement that the Florida Families Faith-Based Institute be a private, non-profit corporation; placed the institute within Florida Agricultural and Mechanical University, provided a definition for the term "faith-based organization," and required an annual report.

Amendment 1 to Amendment 1. Required that the Institute perform its duties with imposing fees on organizations receiving its assistance.