

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 599
SPONSOR(S): Cannon
TIED BILLS:

Florida Faith-based and Community-based Advisory Board

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>Collins</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Health & Families Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill statutorily establishes the Florida Faith-based and Community-based Advisory Board which was created by Executive Order of the Governor in November 2004 (Number 04-245). The bill assigns the board to the Executive Office of the Governor and provides that it be administratively housed within the Executive Office of the Governor. The board 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 board will meet at least once per quarter per calendar year, and will work in partnership with the Volunteer Florida Foundation, Inc., a nonprofit direct support organization equipped to accomplish the intent and purposes of the bill.

The bill specifies the activities of the board, 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 board'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 board is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or s. 3, Art. I of the State Constitution. The board 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 board may include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities. Serving on the advisory board will create additional responsibilities, obligations, and work for these individuals.

B. EFFECT OF PROPOSED CHANGES:

Background

The change in thinking represented by Charitable Choice¹ is not the provision of social services by faith-based organizations, nor is it the government funding of religious providers. Many such religiously affiliated organizations, including Catholic Charities, Jewish Family Services, Lutheran Social Services and The Salvation Army have a long and well established history of receiving government funds through contracts and grants to serve the needy. Charitable Choice represents a change in previous practice by allowing all faith-based organizations to compete for government funding to provide social services, regardless of their religious nature. As a result, the initiative serves to significantly expand the scope of government financial collaboration with the faith community.

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 similar first steps, including, but not limited to, the creation of an office of faith-based initiatives or a state liaison for faith-based and community leaders.²

In November 2004, Governor Jeb Bush signed an Executive Order³ 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 board created by Executive Order Number 04-245. The Florida Faith-based and Community-based Advisory Board (board) is established in statute and assigned to the Executive Office of the Governor. The bill provides that the purpose of the board 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 board is administratively housed within the Executive Office of the Governor. The board is to consist of 25 members, with 17 appointed by the Governor; four appointed by the

¹ Although the concept of "Charitable Choice" is often used generally in reference to government funding of faith-based social service programs, in actuality, it is a legal term of art that refers to specific legislative provisions that first appeared in the 1996 federal welfare reform law. See The Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Public Law 104-193, Section 104, 1996.

² Jarchow, C. Faith-Based Initiatives in Welfare Reform. National Conference of State Legislatures. May 2002.

³ 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 board must meet at least once per quarter per calendar year.

The activities of the board 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 board'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 board is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or s. 3, Art. I of the State Constitution and is abolished June 30, 2010, unless reviewed and saved from repeal by the Legislature.

C. SECTION DIRECTORY:

Section 1. Creates section 14.31, Florida Statutes, relating to the Florida Faith-based and Community-based Advisory Board.

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 board 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. The Volunteer Florida Foundation reported that currently the advisory board 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 reportedly codifies an existing Governor-appointed advisory board that was created in November 2004, by Executive Order of the Governor⁴ 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 board with a membership appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, will occur.
- While the Executive Order creating the board which is assigned to the Executive Office of the Governor expires on January 1, 2007 at the end of the Governor's term, the bill provides for the board to be abolished June 30, 2011, which is a number of years after the term of the current Governor ends.
- While there are numerous references in the bill to partnerships with government, there appear to be no members currently serving on the board from government entities, there is no mention of government agency representation in the bill, and there is no specific provision connecting the work of the board with executive agency liaisons.
- The proper term for the description of an advisory body is "Council" rather than "Board."⁵

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

⁴ Executive Order No. 04-245, November 18, 2004.

⁵ See s. 20.03(7), Florida Statutes.