

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4041 Department of Children and Family Services Employees

**SPONSOR(S):** Diaz and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 1362

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Access Subcommittee	15 Y, 0 N	Batchelor	Schoolfield
2) Government Operations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

The bill deletes current language in s. 402.35, F.S., that prohibits federal, state, county or municipal officers from serving as an employee of the Department of Children and Families (DCF).

The bill provides an effective date of July 1, 2011.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

In 1969, Chapter 409.015(3)(a), F.S., established the State Board of Social Services, a nine member board appointed by the Governor and confirmed by the Senate for four year terms. Language was included in statute that prohibited certain officers from being a member of the board, "No federal, state, county, or municipal officer or employee shall be eligible to serve as a member of the state board during his term as such official." The exact reason officers were not allowed to serve on the board is unknown.

Since, 1969, several changes in statutes have occurred. The Department of Health and Rehabilitative Services (HRS) was created and many boards and councils were absorbed into the new department. In 1996, HRS was split into two agencies, the Department of Children and Family Services and the Department of Health. Throughout these changes in statute and agencies, the prohibition for municipal officer or employee to serve as a member of the state board remained and eventually became a prohibition to serve as an employee of the Department of Children and Families.

##### **Effect of Proposed Changes**

The bill will eliminate statute language which prevents DCF from hiring employees that may be federal, state, county, or municipal officers. The change will also allow persons who are currently employed at DCF to seek public office or serve as a local official without leaving DCF. This change will eliminate language from the statute that appears to be obsolete.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 402.35, F.S., relating to employees.

**Section 2:** Provides an effective date of July 1, 2011.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor 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:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**