

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Diaz

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	11 Y, 0 N, As CS	McDonald	Williamson
3) Health & Human Services Committee			

SUMMARY ANALYSIS

The bill deletes current language in s. 402.35, F.S. that prohibits a federal, state, county or municipal officer from serving as an employee of the Department of Children and Family Services.

The bill has no fiscal impact.

The bill provides an effective date of upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

In 1969, s. 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. The last sentence of the subparagraph prohibited a federal, state, county or municipal officer or employee from serving as a member of the board. 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 abolished or absorbed into the new department. In 1996, HRS was split into two agencies, the Department of Children and Family Services (DCF) and the Department of Health. Throughout these changes, the prohibition for a federal, state, county or municipal officer or employee to serve as a member of the state board was changed to a prohibition to serve as an employee of DCF.¹

Effect of Proposed Changes

The bill eliminates the statutory provision preventing DCF from hiring employees that may be federal, state, county or municipal officers. Removal of the prohibition will allow persons who are currently employed at DCF to seek public office or serve as a local official without leaving DCF. The change will eliminate language from the statute that appears to be obsolete.

B. SECTION DIRECTORY:

Section 1: Amends s. 402.35, F.S., removing language prohibiting a federal, state, county or municipal officer from working as an employee of DCF.

Section 2: Provides an effective date of upon becoming a law.

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.

¹ Ch. 70-255, L.O.F., abolished the State Board of Social Services and provided for the creation of the Division of Children Services under the Department of HRS. The chapter law changed the prohibition on serving as a member of the board to serving as an employee of the Division of Children Services. It also was changed to address only officers. The language included in s. 409.135, F.S., was later transferred to s. 402.35, F.S., and amended to refer to the Department of Children and Family Services.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not 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

On March 23, 2011, the Government Operations Subcommittee adopted an amendment that changed the effective date of the bill from July 1, 2011, to upon becoming a law and passed the bill as a committee substitute.