

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7035 PCB GVOPS 11-08 Governor's Private Secretary

SPONSOR(S): Government Operations Subcommittee, Logan and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations Subcommittee	14 Y, 0 N	McDonald	Williamson
1) State Affairs Committee	17 Y, 0 N	McDonald	Hamby

SUMMARY ANALYSIS

The bill repeals statutory language enacted in 1845 that authorizes the Governor to appoint and commission a fit and proper person to hold office during the pleasure of the Governor and to serve as the Governor's private secretary and as clerk of the executive department. The language was amended in 1995 to refer to the secretary as "she or he" as part of the omnibus statutory revision of all laws to avoid gender bias.

Administrative services, personnel staff of the Executive Office of the Governor, and state personnel system staff of the Department of Management Services were not aware of the provisions of s. 14.03, F.S., relating to the private secretary of the Governor, nor of when the provision might have been used.

Staff of the Executive Office of the Governor are under the state personnel system with state-approved titles. Employees of the Executive Office of the Governor are exempt from the career service system and serve at the pleasure of the Governor.

The bill removes this archaic provision of law that is not used in the state personnel system governing the Executive Office of the Governor. The repeal also removes references to positions and departments that are not recognized or known by those names today.

The bill has no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Enacted in 1845, s. 14.03, F.S., allows the Governor to appoint and commission a person to hold the office of private secretary for the Governor. This person is to serve at the pleasure of the Governor in that capacity and as "clerk for the executive department." The person is to work daily at the capitol during office hours and is to perform other duties as directed by the Governor. In order to qualify for the position, the person "must be fit and proper to hold office."

In 1995, the law was amended, as part of a larger bill, to remove gender bias references in the Florida Statutes.¹

Present Situation

The staff of the Executive Office of the Governor are under the state personnel system with state-approved titles. The Executive Office of the Governor is under what is known as Pay Plans 07, 08, 09, and 15.² Employees of the Office of the Governor are exempt from the career service system and serve at the pleasure of the Governor. According to the Executive Office of the Governor, currently one staff person who is in a senior management position provides services as private secretary to the Governor. The use of two staff had been the practice for the past three Governors, one staff in a select exempt service position and the other in a senior management service position.³

Administrative services, personnel staff of the Executive Office of the Governor, and state personnel system staff of the Department of Management Services were not aware of the provisions of s. 14.03, F.S., relating to the private secretary of the Governor, nor of when the provision might have been used.⁴

Effect of Proposed Changes

The bill removes this archaic provision of law. It is not used in the state personnel system governing the Executive Office of the Governor. The repeal also removes references to positions and departments that are not recognized or known in those terms today.⁵

B. SECTION DIRECTORY:

Section 1. Repeals s. 14.03, F.S., relating to the Governor's appointment and commission of a person to be his or her private secretary and to serve as clerk for the executive department.

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

¹ See s. 35, Chapter 95-147, L.O.F.

² Information received from Mr. Phil Spooner, Workforce Design and Compensation Manager, Human Resources Management System, Department of Management Services, Division of State Group Insurance, on March 2, 2011. Pay plan 15 is a hybrid SMS pay plan with only two persons in that plan.

³ Information received from Ms. Stephanie Cunha, Personnel Officer for the Executive Office of the Governor, on March 2, 2011, and confirmed by Ms. Diane Moulten, Director of Executive Staff, Executive Officer of the Governor.

⁴ Information received from Mr. Phil Spooner and Ms. Stephanie Cunha on February 8, 2010, when the provision of law was first discussed with them. In further discussion with Mr. Spooner on March 2, 2011, he stated he was not aware of the last time the provision in law had been used; but, that in the 31 years he had been involved in the state personnel system the provision has never been used.

⁵ The statute refers to the private secretary serving as "clerk for the executive department."

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:

Not Applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority of counties and municipalities to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.