

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4091 Governor's Private Secretary

SPONSOR(S): Burgin

TIED BILLS: **IDEN./SIM. BILLS:** SB 1114

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	11 Y, 0 N	Thompson	Williamson
2) State Affairs Committee	15 Y, 0 N	Thompson	Hamby

SUMMARY ANALYSIS

Current law allows the Governor to appoint and commission a person to hold the office of private secretary for the Governor. However, staff of the Executive Office of the Governor are under the state personnel system with state-approved titles. Administrative services personnel staff of the Executive Office of the Governor and state personnel system staff of the Department of Management Services are not aware of when this provision might have been used.

As such, the bill repeals this archaic provision which was enacted in 1845.

The bill has no fiscal impact.

The bill takes effect July 1, 2012.

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 Executive 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 when the provisions of s. 14.03, F.S., relating to the private secretary of the Governor, 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, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹ See s. 35, Chapter 95-147, L.O.F.

² Information received from Mr. Phil Spooner, Workforce Design and Compensation Manager, Division of Human Resource Management, Department of Management Services, on November 8, 2011. Pay plan 15 is a hybrid Senior Management Service pay plan with only two persons in that plan.

³ House bill analysis for HB 7035 (2011) by the State Affairs Committee, March 21, 2011, at 2.

⁴ Information received from Mr. Phil Spooner and Ms. Diane Moulten on November 8, 2011. In further discussion with Mr. Spooner, 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 had never been used.

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

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. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.