

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GAP 10-02 Governor's private secretary

SPONSOR(S): Governmental Affairs Policy Committee

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

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Governmental Affairs Policy Committee		McDonald	Williamson
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

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. According to the Executive Office of the Governor, two staff provide services as private secretary to the Governor. The use of two staff has been the practice at least for the past three Governors.

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.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

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, and 09.² 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, two staff provide services as private secretary to the Governor. One staff is in a select exempt service position and the other is in a senior management service position. The use of two staff has been the practice at least for the past three Governors.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

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 February 8, 2010.

³ Information received from Ms. Stephanie Cunha, Personnel Officer for the Executive Office of the Governor, on February 8, 2010, and confirmed by Ms. Dawn Hanson, Director of Administration, Executive Officer of the Governor.

⁴ Information received from Mr. Phil Spooner, Ms. Stephanie Cunha, and Ms. Dawn Hanson on February 8, 2010. Mr. Spooner stated he was not aware of the last time the provision in law had been used; but, that in the 30 years he has been involved in the state personnel system the provision has never been used.

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, 2010.

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 that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

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

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

Not Applicable.