

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RCC 09-04 Reconfirming Appointment of OPPAGA Director

SPONSOR(S): Rules & Calendar Council

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

	REFERENCE	ACTION	ANALYST		STAFF DIRECTOR
Orig. Comm.:	<u>Rules & Calendar Council</u>	<u></u>	<u>Mattice</u>		<u>Birtman</u>
1)	<u></u>	<u></u>	<u></u>		<u></u>
2)	<u></u>	<u></u>	<u></u>		<u></u>
3)	<u></u>	<u></u>	<u></u>		<u></u>
4)	<u></u>	<u></u>	<u></u>		<u></u>
5)	<u></u>	<u></u>	<u></u>		<u></u>

SUMMARY ANALYSIS

PCB RCC 09-04 reconfirms the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability (OPPAGA).

In July, 2003, Gary VanLandingham began serving as interim Director of OPPAGA. On January 24, 2005, the Joint Legislative Auditing Committee appointed Mr. VanLandingham to the position of Director. Pursuant to s. 11.511(1)(a), F.S., the 2005 Legislature passed HCR 1127 confirming the appointment of Mr. VanLandingham as Director.

OPPAGA is established in s. 11.51, F.S., as a unit of the Office of the Auditor General, to perform independent examinations, program reviews and other specifically authorized or required research projects. The office also makes recommendations and provides training and other services to assist the Legislature.

Pursuant to Joint Rule 4.1(7) the Joint Legislative Auditing Committee is required to review the performance of the Director of OPPAGA every 4 years and report to the Legislature as to whether he or she should be reappointed. The reappointment of the Director is subject to confirmation by a majority vote of the Senate and the House, and may be terminated at any time by a majority vote of the Senate and the House.

On March 9, 2009, the Joint Legislative Auditing Committee reappointed Mr. VanLandingham as OPPAGA's Director. PCB RCC 09-04 reconfirms the Director of OPPAGA, subject to confirmation by a majority vote of the Senate and the House.

The concurrent resolution 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:

PCB RCC 09-04 reconfirms the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability (OPPAGA).

In July, 2003, Gary VanLandingham began serving as interim Director of OPPAGA. On January 24, 2005, the Joint Legislative Auditing Committee appointed Mr. VanLandingham to the position of Director. Pursuant to s. 11.511(1)(a), F.S., the 2005 Legislature passed HCR 1127 confirming the appointment of Mr. VanLandingham as Director.

OPPAGA is established in s. 11.51, F.S., as a unit of the Office of the Auditor General, to perform independent examinations, program reviews and other specifically authorized or required research projects. OPPAGA is independent of the Auditor General appointed pursuant to s. 11.42, F.S., but shall perform its duties under general policies established by the Legislative Auditing Committee.¹ Pursuant to Joint Rule 6.1(5), by December 1 of each year, OPPAGA is required to provide to the Senate and the House a list of statutory and fiscal changes recommended by office reports.²

Section 11.511(1)(a), F.S., requires that the Director of OPPAGA be appointed by majority vote of the Legislative Auditing Committee, a joint committee established under Joint Rule 4 of the Joint Rules of the Senate and House. The appointment is subject to confirmation by the Senate and the House, and may be terminated at any time by a majority vote of the Senate and the House.³

Pursuant to Joint Rule 4.1(7) the Joint Legislative Auditing Committee is required to review the performance of the Director of OPPAGA every 4 years and report to the Legislature as to whether he or she should be reappointed. The reappointment of the Director is subject to confirmation by a majority vote of the Senate and the House.⁴

¹ Section 11.511(4), F.S.

² Joint Rule 6.1(5), provides that recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

³ Section 11.511(1)(a) & (b), F.S.

⁴ Section 11.511(1)(a), F.S.

On March 9, 2009, the Joint Legislative Auditing Committee reappointed Mr. VanLandingham as OPPAGA's Director by unanimous vote. PCB RCC 09-04 reconfirms the Director of OPPAGA, subject to confirmation by a majority vote of the Senate and the House.⁵

B. SECTION DIRECTORY:

Not applicable. This PCB is a concurrent resolution and does not contain statutory sections.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see "FISCAL COMMENTS" in part II, Section D.

2. Expenditures:

Please see "FISCAL COMMENTS" in part II, Section D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see "FISCAL COMMENTS" in part II, Section D.

2. Expenditures:

Please see "FISCAL COMMENTS" in part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see "FISCAL COMMENTS" in part II, Section D.

D. FISCAL COMMENTS:

OPPAGA is funded through the annual Legislative Budget. The concurrent resolution reconfirms the Director of OPPAGA. There is no fiscal impact on state or local government or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the concurrent resolution does not appear to require counties or cities to: spend funds or take action requiring the expenditure of the funds; reduce the authority of counties or cities to raise revenue in the aggregate; or to reduce the percentage of the state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The concurrent resolution does not implicate authority for any agency to adopt rules.

⁵ Section 11.511(1)(a), F.S., provides that the reappointment of a director is subject to confirmation by a majority vote of the Senate and House of Representatives.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The title "Legislative Auditing Committee" is used in s.11.51, et seq., and in Joint Rule 4, except that the title for Joint Rule 4 is "Joint Legislative Auditing Committee." Because the Office is a legislative office, the Legislative Auditing Committee should be deemed at law to be whatever the current Legislature deems it to be. It is reasonably clear from the Joint Rule if not from the statute, that the titles are interchangeable.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES