

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB CEED 10-10 Joint Legislative Organizations  
**SPONSOR(S):** Full Appropriations Council on Education & Economic Development  
**TIED BILLS:** **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Full Appropriations Council on Education & Economic Development		Kramer	Voyles
1)				
2)				
3)				
4)				
5)				

**SUMMARY ANALYSIS**

PCB CEED 10-08, a separate PCB which is also being considered in the 2010 session, repeals sections of statute which create several legislative commissions, councils or committees including: Legislative Committee on Intergovernmental Relations; Joint Legislative Committee on Everglades Oversight; Joint Legislative Sunset Committee; Commission on Interstate Cooperation; Law Revision Council; Technology Review Workgroup; Legislative Commission on Migrant and Seasonal Labor; and Council for Education Policy Research and Improvement. The PCB also repeals a section of statute relating to the Administrative Procedures Committee and portions of the statute relating to the Legislative Auditing Committee and provides in a newly created section of statute that these committees may be designated by a Joint Rule of the Legislature or by agreement between the President of the Senate (President) and Speaker of the House of Representatives (Speaker). The PCB also repeals sections of statute relating to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) and the Auditor General and creates the Legislative Accountability Office.

This bill analysis relates to PCB CEED 10-10 which is a concurrent resolution that would:

- Keep operative the statutory provisions relating to the Auditor General and OPPAGA until superseded by joint rule, concurrent resolution or agreement of the Speaker and the President;
- Require the Speaker and the President, to the extent that they agree that particular legislative activities are useful and beneficial, to assign to appropriate legislative offices any activities referenced in the statutes relating to the Joint Administrative Procedures Committee; the Legislative Committee on Intergovernmental Relations and the Technology Review Workgroup;
- Authorize the Legislative Auditing Committee to continue in operation until superseded by joint rule, concurrent resolution or agreement of the Speaker and President;
- Suspend Joint Rules of the Legislature relating to legislative support services, the Legislative Auditing Committee, the Auditor General and OPPAGA and provide that these joint rules shall operate only as agreed by the Speaker and the President; and
- Require the Speaker and the President to appoint a joint select committee to recommend joint rules regarding the Administrative Procedures Committee; the Legislative Auditing Committee, the Legislative Accountability Office and the Office of Economic and Demographic Research.

This concurrent resolution shall be effective upon adoption by the Senate and House of Representatives.

## 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:

**Provisions of PCB CEED 10-08:** A separate PCB has been proposed for the 2010 session which would modify a number of statutes relating to joint legislative committees and councils. Specifically, the PCB repeals sections of statute which create the following legislative commissions, councils or committees:

- Legislative Committee on Intergovernmental Relations
- Joint Legislative Committee on Everglades Oversight
- Joint Legislative Sunset Committee
- Commission on Interstate Cooperation
- Law Revision Council
- Technology Review Workgroup
- Legislative Commission on Migrant and Seasonal Labor
- Council for Education Policy Research and Improvement

PCB CEED 10-08 repeals sections of statute relating to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) and the Auditor General and creates the Legislative Accountability Office. The PCB directs the Division of Statutory Revision to prepare a reviser's bill to substitute the term "Legislative Accountability Office" for the terms Auditor General or OPPAGA where those terms appear in the Florida statutes.

PCB CEED 10-08 also repeals a section of statute relating to the Administrative Procedures Committee and portions of the statute relating to the Legislative Auditing Committee and provides in a newly created section of statute that these committees may be designated by a Joint Rule of the Legislature or by agreement between the President of the Senate (President) and Speaker of the House of Representatives (Speaker).

#### **Provisions of concurrent resolution: <sup>1</sup>**

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<sup>1</sup> The concurrent resolution contains the following "whereas" clauses:

WHEREAS, the Legislature has independent constitutional authority to administer and direct all legislative offices and employees, and

WHEREAS, one Legislature may not bind any succeeding Legislature, and

WHEREAS, each Legislature, at the time of organizing, enjoys all the powers, rights, privileges, and immunities vested in or granted to the Legislature, the Senate, and the House of Representatives by the Florida Constitution and other organic law, and

*OPPAGA/Auditor General:* Section 1 of the concurrent resolution provides that until superseded by any joint rule, concurrent resolution or agreement of the President and the Speaker, and only to the extent not inconsistent with the laws of Florida, the provisions of ss. 11.42 and 11.45, F.S. relating to the Auditor General, and ss. 11.51, 11.53 and 11.513, F.S., relating to OPPAGA are incorporated by reference and shall remain operative.

This has the effect of preserving all statutory provisions repealed in PCB CEED 10-08 related to the offices and functions of the Auditor General and OPPAGA. This will authorize the presiding offices to undertake a transition of all related audit and program review functions from the present structure to the Legislative Accountability Office structure established in PCB 10-08 without disruptions to ongoing audits or operations.

*Reassignment of legislative activities:* Section 2 of the concurrent resolution provides that to the extent the President of the Senate and the Speaker of the House of Representatives agree that particular legislative activities are useful and beneficial, they shall, on or before the effective date of PCB 10-08 (July 1, 2010), or within a reasonable time thereafter, assign to the appropriate legislative officers any legislative activities referenced in:

1. Section 11.60, F.S., relating to the Joint Administrative Procedures Committee.
2. Section 11.70, F.S., relating to the Legislative Committee on Intergovernmental Relations.
3. Sections 216, 0446, 216.163(2)(f) and 282.322, F.S., relating to the review of information technology resources needs and a special monitoring process for designated information resources management projects.

This section preserves certain legislative activities of the Joint Administrative Procedures Committee, the Legislative Committee on Intergovernmental Relations, and certain statutory information technology review activities which are repealed from statute in PCB 10-08 to the extent the presiding officers agree that they are useful and beneficial. The section authorizes the presiding officers to assign those preserved activities to appropriate legislative offices.

*Joint Legislative Auditing Committee and Joint Rules:*

Section 3 of the concurrent resolution provides that until superseded by any joint rule, concurrent resolution, or agreement of the President of the Senate and the Speaker of the House of Representatives, to the extent necessary to carry out the purposes of this concurrent resolution, but only to the extent not inconsistent with the Laws of Florida as amended by this Legislature, the Legislative Auditing Committee may continue in operation. The section also provides that Joint Rule Three, relating to legislative support services,<sup>2</sup> Joint Rule Four, relating to the Legislative Auditing Committee, Joint Rule Five, relating to the Auditor General, and Joint Rule Six, relating to the Office of Program Policy Analysis and Government Accountability, are hereby suspended and the provisions of those joint rules shall operate only as agreed by the President of the Senate and the Speaker of the House of Representatives.

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WHEREAS, HB \_\_\_\_, 2010 Regular Session, repeals provisions of law that purport to govern the administration of certain legislative offices, and

WHEREAS, it is the intention of the Twenty-First Legislature convened under the Constitution of 1968 that certain offices and legislative activities continue under its constitutional authority, and

WHEREAS, the Legislature intends that the Twenty-Second Legislature be well advised regarding the continuation of certain existing offices and legislative activities, NOW, THEREFORE,

<sup>2</sup>Joint Rules of the Legislature are generally adopted during the first organizational session of each new Legislature through a concurrent resolution. Included in this joint rule are references to the Office of Legislative Services, Office of Legislative Information Technology Services and the Office of Economic and Demographic Research.

This has the effect of continuing the Joint Legislative Auditing Committee, as currently organized, to the extent necessary to execute the auditing and program review functions preserved in Section 1. The section suspends the operation of Joint Rules Three, Four, Five and Six, except to the extent that the presiding officer determine the rules need to operate until the next organizational session in November 2010.

*Appointment of Joint Select Committee:* Section 4 of the concurrent resolution provides that the President and the Speaker, as soon as reasonably practicable after Sine Die of the 2010 Regular Session shall appoint a joint select committee to recommend joint rules to govern joint committee procedures and to govern legislative offices referenced in statute, including but not limited to the following offices as defined in PCB 10-08:

1. Administrative Procedures Committee
2. Legislative Auditing Committee
3. Legislative Accountability Office
4. Office of Economic Development and Demographic Research

**B. SECTION DIRECTORY:**

Not applicable - unlike a bill, a concurrent resolution does not contain sections.

**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:**

The proposed 2010-2011 House budget for the legislative branch contains a \$4,734,079 general revenue reduction – \$1,860,268 is a nonrecurring general revenue reduction and \$2,873,811 is a recurring general revenue reduction.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**