

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The State Apprentice Advisory Council (Council) is composed of 13 members, and serves as advisory to the Department of Education (Department). The purpose of the Council is to advise the Department on matters relating to apprenticeship. The advisory council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by the division.¹

Members of the Council are appointed by the Governor from a list of nominees submitted by two nominating committees.² The Governor appoints two three member nominating committees that are charged with submitting the names of three nominees for each vacancy that occurs on the Council. One of the two nominating committees represents joint employee organizations.³ The second nominating committee represents nonjoint employee organizations.⁴ The two nominating committees submit names only if there are vacancies on the State Apprenticeship Advisory Council from their type of employee organization.

According to a representative with the Department of Education, the Governor’s Office has not been able to make appointments to the State Apprenticeship Advisory Council because there has been no interest among citizens to serve on the nominating committee that is charged with recommending candidates for the council.

Former Division of Workforce Development

During the 2002 Special Session E, the Legislature deleted the Division of Workforce Development from the section establishing the divisions of the Department of Education⁵ thereby abolishing the Division of Workforce Development.⁶ Despite the deletion of the Division of Workforce Development, laws governing apprenticeship training and programs⁷ assign duties to the former division and to the division’s former Bureau of Apprenticeship.

The Department of Education has organized an Office of Apprenticeship and Continuing Workforce Education (OACWE) to administer the state’s apprenticeship programs. The OACWE is currently housed within the Office of Workforce Education of the Division of Community Colleges.

¹ See s. 446.045(2)(a), F.S.

² See s. 446.045(2)(a), F.S.

³ A “joint employee organization” is an apprenticeship sponsor that participates in a collective bargaining agreement and represents employees. See s. 446.045(1)(a), F.S.

⁴ A “nonjoint employee organization” is an apprenticeship sponsor that does not participate in a collective bargaining agreement and represents management. See s. 446.045(1)(b), F.S.

⁵ See s. 20.15(3), F.S.

⁶ See ch. 2002-387, L.O.F.

⁷ See ss. 446.011-446.092, F.S.

Effect of Proposed Changes

The bill eliminates a requirement that the Governor appoint members to the State Apprenticeship Advisory Council from nominations submitted by nominating committees, which under current law are also appointed by the Governor. In lieu of this requirement, the bill would allow the Governor to make appointments directly to the council.

The bill clarifies that council members must represent sponsors of joint employee organizations or nonjoint employer organizations.

The bill specifies that the Commissioner of Education or the commissioner's designee is the ex officio nonvoting chair of the council, replacing the current provision designating the director of the former Division of Workforce Development or the director's designee as the chair.

The bill corrects a technical deficiency in current law by clarifying that the council is composed of 10 voting members appointed by the Governor and two ex officio nonvoting members, replacing the current provision that erroneously specifies that the council is composed of 13 members.

The bill does not affect the current number of council members. Of the 10 council members appointed by the Governor, the bill retains the current law's balance of five members representing joint employee organizations and five members representing nonjoint employer organizations.

The bill deletes an obsolete provision specifying the initial terms of the council members, which established staggered terms for the members. The bill specifies that its provisions do not affect the terms of the council members and clarifies that the council members' terms remain staggered.

The bill further specifies that its provisions apply prospectively to appointments that fill current and future vacancies on the council and do not remove a member serving on the council.

The bill reassigns to the Department of Education the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs under ss. 446.011-446.092, F.S. The bill also deletes an obsolete reference to the former Division of Jobs and Benefits of the former Department of Labor and Employment Security.

C. SECTION DIRECTORY:

Section 1. Amends s. 446.011, F.S. reassigns to the Department of Education the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs under ss. 446.011-446.092, F.S.

Section 2. Amends s. 446.021, F.S., to further clarify that the Department of Education holds the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs.

Section 3. Amends s. 446.032, F.S., to further clarify that the Department of Education holds the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs.

Section 4. Amends s. 446.041, F.S., to further clarify that the Department of Education holds the duties specifically assigned under current law to the department's former Division of Workforce Development,

and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs.

Section 5. Amends s. 446.045, F.S., clarifying that the council is composed of 10 voting members appointed by the Governor and two ex officio nonvoting members, replacing the current provision stating that the council is composed of 13 members.

Section 6. Amends 446.052, F.S., making technical changes by removing the words "Division of Workforce Development" and replacing with "department" to clarify current law.

Section 7. Amends s. 446.061, F.S., technical changes by removing the words "Division of Workforce Development" and replacing with "department" to clarify current law.

Section 8. Amends s. 446.071, F.S., to further clarify that the Department of Education holds the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs.

Section 9. Amends s. 446.075, F.S., to further clarify that the Department of Education holds the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs.

Section 10. Amends s. 446.081, F.S., to make a technical change.

Section 11. Amends s. 446.091, F.S., deletes an obsolete reference to the former Division of Jobs and Benefits of the former Department of Labor and Employment Security.

Section 12. Specifies that its provisions apply prospectively to appointments that fill current and future vacancies on the council and do not remove a member serving on the council.

Section 13. This bill shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to a representative with the Department of Education, the bill does not have a significant fiscal impact on state government. This bill does not change the composition or duties of the Council but only changes the method of appointing members.

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:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 8, 2004, the Commerce Committee adopted a strike all amendment for the bill. The strike all amendment differs from the original bill by specifying that the Commissioner of Education or the commissioner's designee is the ex officio nonvoting chair of the council, replacing the current provision designating the director of the former Division of Workforce Development or the director's designee as the chair. The amendment corrects a technical deficiency in current law by clarifying that the council is composed of 10 voting members appointed by the Governor and two ex officio nonvoting members, replacing the current provision that erroneously specifies that the council is composed of 13 members. The amendment specifies that its provisions do not affect the terms of the council members and clarifies that the council members' terms remain staggered. The amendment further specifies that its provisions apply prospectively to appointments that fill current and future vacancies on the council and do not remove a member serving on the council. The amendment reassigns to the Department of Education the duties specifically assigned under current law to the department's former Division of Workforce Development, and to the division's former Bureau of Apprenticeship, which relate to apprenticeship training and programs under ss. 446.011-446.092, F.S. The amendment also deletes an obsolete reference to the former Division of Jobs and Benefits of the former Department of Labor and Employment Security. The Commerce Committee reported the bill, as amended, favorably with a committee substitute.