

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 609 w/CS Apprenticeship Advisory Council
SPONSOR(S): Kilmer
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1090(i)

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	<u>14 Y, 0 N w/CS</u>	<u>Sheheane</u>	<u>Billmeier</u>
2) <u>State Administration</u>	<u>4 Y, 0 N</u>	<u>Brazzell</u>	<u>Everhart</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 609 w/ CS eliminates a requirement that the Governor appoint members to the State Apprenticeship Advisory Council (council) from nominations submitted by nominating committees, which under current law are also appointed by the Governor. Instead, 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 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.

According to a representative with the Department of Education, this bill does not have a significant fiscal impact.

This bill takes effect upon becoming a law.

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 Apprenticeship Advisory Council (council) advises the Department of Education (department) regarding apprenticeship issues. The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by the Division of Community Colleges.¹

Each appointment to the council is made by the Governor, selecting from a list of three nominees submitted by one of two three-member nominating committees.² These nominating committees are themselves appointed by the Governor. One of the two nominating committees represents joint employee organizations,³ while the second represents nonjoint employer organizations;⁴ each submits names only if the vacancy existing on the council represents its type of organization.

According to a representative with the Department of Education, the Governor’s Office has been unable to make appointments to the council because of a lack of citizens interested in serving on the nominating committees.

Former Division of Workforce Development

During the 2002 Special Session E, the Legislature abolished the Division of Workforce Development (division).⁵ Despite the deletion of the division, laws governing apprenticeship training and programs⁶ assign duties to the former division and to the division’s former Bureau of Apprenticeship. The department’s Office of Apprenticeship and Continuing Workforce Education (OACWE), housed within the Office of Workforce Education of the Division of Community Colleges, currently administers the state’s apprenticeship programs.

Effect of Proposed Changes

The bill eliminates a requirement that the Governor appoint members to the council from nominations submitted by nominating committees. Instead, 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.

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 ch. 2002-387, L.O.F.

⁶ See ss. 446.011-446.092, F.S.

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 or the director's designee as the chair.

The bill corrects a technical deficiency in current law by clarifying that the council has 10 voting members appointed by the Governor and two ex officio nonvoting members, replacing the current provision that erroneously specifies that the council has 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 certain duties specifically assigned under current law to the department's former Division of Workforce Development and to the division's former Bureau of Apprenticeship. 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:

Sections 1-4, 8, and 9 amend ss. 446.011, 446.021, 446.032, 446.041, 446.071, and 446.075 F.S., respectively, reassigning to the Department of Education the duties relating to apprenticeship training and programs specifically assigned under current law to the department's former Division of Workforce Development and to the division's former Bureau of Apprenticeship.

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.

Sections 6 and 7 amend ss. 446.052 and 446.061, F.S., making technical changes by removing the words "Division of Workforce Development", replacing them with the term "department" to clarify current law.

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 the bill's 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 provides that this bill takes 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 of the Department of Education, the bill does not have a significant fiscal impact on state government.

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 (department) the duties specifically assigned under

current law to the department's former Division of Workforce Development (division), 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.