

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1090

SPONSOR: Commerce, Economic Opportunities, and Consumer Services Committee and Senator Cowin

SUBJECT: Apprenticeship Training

DATE: March 4, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Woodruff</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>Gillespie</u>	<u>Maclure</u>	<u>CM</u>	<u>Favorable/CS</u>
4.	_____	_____	<u>EE</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 1090 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 committee substitute would allow the Governor to make appointments directly to the council. The committee substitute clarifies that council members must represent sponsors of joint employee organizations or nonjoint employer organizations. The committee substitute deletes authority in current law for council members to represent industries that have demonstrated a need for apprenticeship programs, thereby requiring council members to represent industries that have registered apprenticeship programs.

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

This committee substitute substantially amends the following sections of the Florida Statutes: 446.011, 446.021, 446.032, 446.041, 446.045, 446.052, 446.061, 446.071, 446.075, 446.081, and 446.091.

II. Present Situation:

State Apprenticeship Advisory Council

Under current law, the State Apprenticeship Advisory Council is created within the Division of Workforce Development of the Department of Education (s. 446.045, F.S.).¹ The purpose of the council is to advise the division and the council on matters relating to apprenticeship. The council's authority is limited exclusively to advisory duties, and the council is prohibited from establishing policy, adopting rules, or considering whether particular apprenticeship programs should be approved.

The council is composed of 10 members appointed by the Governor and two nonvoting members.² The nonvoting members include the director of the Division of Workforce Education or the director's designee,³ who serves ex officio as the council's chair, and the state director of the Bureau of Apprenticeship Training of the United States Department of Labor.

Of the 10 members appointed by the Governor, five members represent joint employee organizations and five members represent nonjoint employer organizations. A "joint employee organization" is an apprenticeship sponsor who represents employees and participates in a collective bargaining agreement. A "nonjoint employer organization" is an apprenticeship sponsor who represents management but does not participate in a collective bargaining agreement.

Before the Governor may appoint a member to the council, the member must first be nominated by one of two three-member nominating committees. One nominating committee composed of joint employee organization representatives nominates candidates for the joint employee organization members on the council, and the second nominating committee composed of nonjoint employer organization representatives nominates candidates for the nonjoint employer organization members on the council. Each nominating committee must submit three names to the Governor for each of their respective vacancies on the council. These nominating committees are also appointed by the Governor.

The council members must represent industries that have registered apprenticeship programs or in which a need for apprenticeship programs has been demonstrated. The members are appointed to staggered terms of 4 years each.

According to the Governor's Appointments Office, the Governor currently has approximately 50 applications from candidates seeking appointment to the State Apprenticeship Advisory Council but has no applications from candidates seeking appointment to a nominating committee. The Governor's office cites that candidates seeking appointment to the council are reluctant to serve

¹ In 2002, the Legislature deleted the Division of Workforce Development. See the discussion about the former division on page 3 of this staff analysis.

² Although s. 446.045(2)(a), F.S., specifies that the council is composed of 13 members, the Workforce Innovation Act of 2000 removed the "administrator of industrial education of the Department of Education" from the council's membership, effectively reducing the council's membership to 12 members (s. 116, ch. 2000-165, L.O.F.).

³ Because the Legislature deleted the Division of Workforce Development in 2002, the division's director no longer exists. See the discussion about the former division on page 3 of this staff analysis.

on a nominating committee because, in practice, a nominating committee does not nominate one of its own members to the council, thereby precluding in effect a member of the nominating committee from serving on 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 Education (s. 20.15(3), F.S.), thereby abolishing the Division of Workforce Development (s. 881, ch. 2002-387, L.O.F.). Despite the deletion of the Division of Workforce Development, laws governing apprenticeship training and programs (ss. 446.011-446.092, F.S.) 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.

III. Effect of Proposed Changes:

State Apprenticeship Advisory Council (Sections 5 and 12)

The committee substitute 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 committee substitute would allow the Governor to make appointments directly to the council.

The committee substitute clarifies that council members must represent sponsors of joint employee organizations or nonjoint employer organizations. The committee substitute also deletes authority in current law which allows council members to represent industries that have demonstrated a need for apprenticeship programs, thereby requiring council members to represent industries that have registered apprenticeship programs.

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

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

The committee substitute 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.

Conforming Provisions (Sections 1-4 and 6-11)

The committee substitute 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 committee substitute also deletes an obsolete reference to the former Division of Jobs and Benefits of the former Department of Labor and Employment Security.

Effective Date (Section 13)

The committee substitute provides that it takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

By eliminating the requirement of the Governor's appointment of nominating committees to nominate members to the State Apprenticeship Advisory Council, the committee substitute may moderately reduce the workload in the Governor's Appointments Office associated with the appointment of nominating committee members. In addition, the committee substitute would allow the Governor to appoint members to the council without confronting the situation observed by the Governor's Appointments Office in which candidates seeking appointment to the council are reluctant to serve on a nominating committee.

Under current law, members of the State Apprenticeship Advisory Council are entitled to reimbursement for per diem and travel expenses (s. 446.045(2)(f), F.S.). The committee substitute revises the method used to appoint the council members but does not affect the number of council members. The committee substitute is not consequently estimated to generate additional costs for the Department of Education.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.