

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4107 Journeymen

SPONSOR(S): Plakon

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	13 Y, 0 N	Livingston	Creamer
2) Economic Affairs Committee		Livingston	Tinker

SUMMARY ANALYSIS

The Florida Department of Labor and Employment Security (DLES) was created in 1978 and was formally abolished by the Legislature in 2002.

The bill removes two outdated references to the former DLES and the registration of apprenticeship training programs. The Department of Education currently performs the apprenticeship registration services.

This bill has no impact on state funds.

This bill has effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Chapter 446, F.S., relates to job training generally and focuses, in part, on apprenticeship programs under the Department of Education (department). The general duties of the department are to establish uniform minimum standards and policies governing apprentice programs and apprenticeship agreements.¹

Section 446.021, F.S., defines “journeyman” to mean:

a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.

The licensure of journeymen is a local phenomenon, and the state does not regulate journeymen activities or issue journeyman licenses. Chapter 489, F.S., relates to “contracting” with part I addressing the licensure and regulation of construction contracting and part II addressing the licensure and regulation of electrical and alarm system contracting.

Statutory alternatives to taking another examination and paying an additional license fee for these tradesmen to qualify to work in other jurisdictions (county or municipality), as a journeyman, Subsection 489.1455(1) of part I, F.S., specifies

An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee.

The statutory criteria for licensure reciprocity between local jurisdictions include:

- scoring at least 75 percent, on an approved proctored examination approved for the construction trade for which they hold a local journeyman license;
- completing a registered apprenticeship program and demonstrating verifiable practical experience in the particular trade;
- completing coursework approved by the Florida Building Commission specific to the discipline; and
- not having a license suspended or revoked within the last 5 years.

A similar reciprocity option applies to electrical trades under part II of chapter 489, F.S.

The DLES was created in 1978 when it was removed from the Florida Department of Commerce.² It consisted of one administrative support division, six program divisions, and administratively housed several independent entities.³

The process for the abolishment of DLES began in the 1999 legislative session,⁴ and subdivisions and programs of the DLES were transferred or repealed through several legislative bills until the DLES was formally abolished by the Legislature in 2002.⁵ Currently the Department of Education is authorized to

¹ s. 446.032, F.S.

² Chapter 78-201, L.O.F.

³ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 230, dated April 19, 1999.

⁴ Chapter 99-240, L.O.F.

⁵ Chapter 2002-194, L.O.F.

carry out the requirements relating to the registration of apprentice programs which had previously been assigned to the DLES.

Proposed Changes

The bill amends parts I and II of ch. 489, F.S., relating to construction contracting and electrical contracting to remove two outdated references to the former DLES and the registration of apprenticeship training programs. The Department of Education currently performs the apprenticeship registration services.

B. SECTION DIRECTORY:

Section 1. Amends s. 489.1455, F.S., to remove an outdated reference to the former DLES.

Section 2. Amends s. 489.5335, F.S., to remove an outdated reference to the former DLES.

Section 3. Effective date – July 1, 2011.

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:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.