

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7177      PCB EDTS 11-09      Rulemaking for the Transition Assistance Program

**SPONSOR(S):** Economic Development & Tourism Subcommittee, Holder

**TIED BILLS:**                      **IDEN./SIM. BILLS:** CS/SB 1346

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee	12 Y, 1 N	Kruse	Kruse
1) Economic Affairs Committee	18 Y, 0 N	Kruse	Tinker

### SUMMARY ANALYSIS

Current law mandates that both the Department of Corrections and the Agency for Workforce Innovation adopt rules to implement the Transition Assistance Program Act. However, the Act imposes no duties upon the Agency. The Joint Administrative Procedures Committee has recommended the removal of the Agency from the statute.

The bill removes the Agency for Workforce Innovation's requirement to adopt rules regarding the Transition Assistance Program.

The bill has no fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

Pursuant to s. 11.60(4), F.S., the Joint Administrative Procedures Committee (JAPC) recently made a recommendation to the House Economic Development and Tourism Subcommittee as to the advisability of considering changes to the delegated legislative authority to adopt rules in specific circumstances, in this instance, s. 944.708, F.S.

Section 944.708, F.S., requires the Department of Corrections and the Agency for Workforce Innovation to adopt rules to implement ss. 944.701-944.707, F.S. The statute was amended in 2010 to change a reference from the Department of Labor and Employment Security to the Agency for Workforce Innovation. The Department of Corrections has adopted Rule 33-601.504, F.A.C., which provides policies for the Transition Assistance Program. Section 944.708, F.S., mandates that both the Department and the Agency adopt rules to implement the Transition Assistance Program Act, as it states: "The Department of Corrections **and** the Agency for Workforce Innovation **shall** adopt rules to implement the provisions of ss.944.701-944.707." (Emphasis added). However, the Agency for Workforce Innovation has taken the position that rulemaking is unnecessary because the Act imposes no duties upon the Agency. Acting upon that information, JAPC has recommended to the Subcommittee removal of the Agency from the statute.

##### Changes made by the bill

The bill removes the Agency for Workforce Innovation's requirement to adopt rules found in s. 944.708, F.S., regarding the Transition Assistance Program.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2011.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 944.708, F.S., to remove reference to the Agency for Workforce Innovation.

Section 2. Provides an effective date of 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. This 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 counties or municipalities have to raise revenues 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.