



741084

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/25/2013	.	
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The Committee on Appropriations (Grimsley) recommended the following:

1 **Senate Amendment to Amendment (290726) (with title**
2 **amendment)**

3
4 Between lines 1308 and 1309
5 insert:

6 Section 34. Concrete Masonry Products Research, Education,
7 and Promotion Act.-

8 (1) SHORT TITLE.-This section may be cited as the "Concrete
9 Masonry Products Research, Education, and Promotion Act."

10 (2) FLORIDA CONCRETE MASONRY COUNCIL, INC.; CREATION;
11 PURPOSES.-

12 (a) There is created the Florida Concrete Masonry Council,



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13 Inc., a nonprofit corporation organized under the laws of this
14 state and operating as a direct-support organization of the
15 Florida Building Commission.

16 (b) The council shall:

17 1. Develop, implement, and monitor a system for the
18 definition of masonry products and for the collection of self-
19 imposed voluntary assessments.

20 2. Plan, implement, and conduct programs of education,
21 promotion, research, and consumer information and industry
22 information which are designed to strengthen the market position
23 of the concrete masonry industry in this state and in the
24 nation, to maintain and expand domestic and foreign markets, and
25 to expand the uses for concrete masonry products.

26 3. Use the means authorized by this subsection for the
27 purpose of funding research, education, promotion, and consumer
28 and industry information of concrete masonry products in this
29 state and in the nation.

30 4. Coordinate research, education, promotion, industry, and
31 consumer information programs with national programs or programs
32 of other states.

33 5. Develop new uses and markets for concrete masonry
34 products.

35 6. Develop and improve educational access to individuals
36 seeking employment in the field of concrete masonry.

37 7. Develop methods of improving the quality of concrete
38 masonry products for the purpose of windstorm protection.

39 8. Develop methods of improving the energy efficiency
40 attributes of concrete masonry products.

41 9. Inform and educate the public concerning the



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42 sustainability and economic benefits of concrete masonry
43 products.

44 10. Do all other acts necessary or expedient for the
45 administration of the affairs and attainment of the purposes of
46 the council.

47 (c) The council may:

48 1. Conduct or contract for scientific research with any
49 accredited university, college, or similar institution and enter
50 into other contracts or agreements that will aid in carrying out
51 the purposes of this section, including contracts for the
52 purchase or acquisition of facilities or equipment necessary to
53 carry out the purposes of this section.

54 2. Disseminate reliable information benefiting the consumer
55 and the concrete masonry industry.

56 3. Provide to governmental bodies, on request, information
57 relating to subjects of concern to the concrete masonry industry
58 and act jointly or in cooperation with the state or Federal
59 Government, and agencies thereof, in the development or
60 administration of programs that the council considers to be
61 consistent with the objectives of this section.

62 4. Sue and be sued as a council without individual
63 liability of the members for acts of the council when acting
64 within the scope of the powers of this section and in the manner
65 prescribed by the laws of this state.

66 5. Maintain a financial reserve for emergency use, the
67 total of which must not exceed 50 percent of the council's
68 anticipated annual income.

69 6. Employ subordinate officers and employees of the
70 council, prescribe their duties, and fix their compensation and



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71 terms of employment.

72 7. Cooperate with any local, state, regional, or nationwide
73 organization or agency engaged in work or activities consistent
74 with the objectives of the program.

75 8. Do all other things necessary to further the intent of
76 this section which are not prohibited by law.

77 (d) The council and concrete masonry manufacturers may meet
78 and coordinate the collection of self-imposed voluntary
79 assessments for each concrete masonry unit that is produced and
80 sold by manufacturers in the state.

81 (e)1. The council may not participate or intervene in any
82 political campaign on behalf of or in opposition to any
83 candidate for public office or any state or local ballot
84 initiative. This restriction includes, but is not limited to, a
85 prohibition against publishing or distributing any statement.

86 2. The net receipts of the council may not in any part
87 inure to the benefit of or be distributable to its directors,
88 its officers, or other private persons, except that the council
89 may pay reasonable compensation for services rendered by staff
90 employees and may make payments and distributions in furtherance
91 of the purposes of this section.

92 3. Notwithstanding any other provision of law, the council
93 may not carry on any other activity not permitted to be carried
94 on by a corporation:

95 a. That is exempt from federal income tax under s.
96 501(c)(3) of the Internal Revenue Code; or

97 b. To which charitable contributions are deductible under
98 s. 170(c)(2) of the Internal Revenue Code.

99 (3) GOVERNING BOARD.—



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100 (a) The Florida Concrete Masonry Council, Inc., shall be
101 governed by a board of directors composed of 15 members as
102 follows:

103 1. Nine members representing concrete masonry
104 manufacturers. Of these board members, at least five must be a
105 representative of a manufacturer that is a member of the Masonry
106 Association of Florida. These members must be representatives of
107 concrete masonry manufacturers of various sizes. A manufacturer
108 may not be represented by more than one member of the board.

109 2. One member representing the Florida Building Commission.

110 3. One member representing the Florida Home Builders
111 Association.

112 4. One member having expertise in apprenticeship or
113 vocational training.

114 5. Two members who are masonry contractors and who are
115 members of the Masonry Association of Florida.

116 6. One member who is not a masonry contractor or
117 manufacturer or an employee of a masonry contractor or
118 manufacturer, but who is otherwise a stakeholder in the masonry
119 industry.

120 (b) The initial board of directors shall be appointed by
121 the chair of the commission based on recommendations from the
122 Masonry Association of Florida. Five of the initial board
123 members shall be appointed to a 1-year term. Five shall be
124 appointed for a 2-year term. The remaining board members shall
125 be appointed for a 3-year term. Thereafter, each member shall be
126 appointed to serve a 3-year term and may be reappointed to serve
127 an additional consecutive term. After the initial appointments
128 are made, each subsequent vacancy shall be filled in accordance



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129 with the bylaws of the council. A member may not serve more than
130 two consecutive terms. A member representing a manufacturer or a
131 contractor must be employed by a manufacturer or contractor
132 engaging in the trade of manufacture of concrete masonry
133 products for at least 5 years immediately preceding the first
134 day of his or her service on the board. All members of the board
135 shall serve without compensation. However, the board members are
136 entitled to reimbursement for per diem and travel expenses
137 incurred in carrying out the intents and purposes of this
138 section in accordance with s. 112.061, Florida Statutes.

139 (c) The council shall elect from its members a chair, vice
140 chair, and a secretary-treasurer to a 2-year term each. The
141 chair of the board must be a concrete masonry manufacturer.

142 (d) The initial board of directors shall adopt bylaws to
143 govern initial terms of directors, governance of board members
144 and meetings, term limits, and procedures for filling vacancies.

145 (4) ACCEPTANCE OF GRANTS AND GIFTS.—The council may accept
146 grants, donations, contributions, or gifts from any source if
147 the use of such resources is not restricted in any manner that
148 the council considers to be inconsistent with the objectives of
149 this section.

150 (5) PAYMENTS TO ORGANIZATIONS.—

151 (a) The council may make payments to other organizations
152 for work or services performed which are consistent with the
153 objectives of the program.

154 (b) Before making payments described in this subsection,
155 the council must secure a written agreement that the
156 organization receiving payment will furnish at least annually,
157 or more frequently on request of the council, written or printed



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158 reports of program activities and reports of financial data that
159 are relative to the council's funding of such activities.

160 (c) The council may require adequate proof of security
161 bonding on the payments to any individual, business, or other
162 organization.

163 (6) COLLECTION OF MONEYS AT TIME OF SALE.-

164 (a) Each manufacturer that elects to self-impose a
165 voluntary assessment shall commit to the assessment for a period
166 of not less than 1 year and shall annually be authorized to
167 renew or end the self-imposed voluntary assessment.

168 (b) The manufacturer shall collect all such moneys and
169 forward them quarterly to the council.

170 (c) The council shall maintain within its financial records
171 a separate accounting of all moneys received under this
172 subsection. The council shall provide for an annual financial
173 audit of its accounts and records to be conducted by an
174 independent certified public accountant licensed under chapter
175 473.

176 (7) BYLAWS.-The council shall, by September 30, 2013, adopt
177 bylaws to carry out the intents and purposes of this section.
178 These bylaws may be amended upon 30 days' notice to board
179 members at any regular or special meeting called for this
180 purpose. The bylaws must conform to the requirements of this
181 section but may also address any matter not in conflict with the
182 general laws of this state.

184 ===== T I T L E A M E N D M E N T =====

185 And the title is amended as follows:

186 Delete line 1404



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187 and insert:
188 compliance; creating the Florida Concrete Masonry
189 Council, Inc.; authorizing the council to levy an
190 assessment on the sale of concrete masonry units under
191 certain circumstances; providing the powers and duties
192 of the council and restrictions upon actions of the
193 council; providing for appointment of the governing
194 board of the council; authorizing the council to
195 submit a referendum to manufacturers of concrete
196 masonry units for authorization to levy an assessment
197 on the sale of concrete masonry units; providing
198 procedure for holding the referendum; authorizing the
199 council to accept grants, donations, contributions,
200 and gifts under certain circumstances; authorizing the
201 council to make payments to other organizations under
202 certain circumstances; providing requirements for the
203 manufacturer's collection of assessments; requiring
204 the council to adopt bylaws; providing an
205 appropriation; providing